



New York State Department of
Environmental Conservation

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Hearing Notice for Monroe County Water Authority

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DEPARTMENT OF ENVIRONMENTAL CONSERVATION NOTICE OF LEGISLATIVE PUBLIC HEARING

Applicant: Monroe County Water Authority
475 Norris Drive
Rochester, NY 14610 -0999

Applicant's Agent: Edward F. Premo, II, Esq.
Harter, Secrest & Emery LLP
1600 Bausch & Lomb Place
Rochester, New York 14604-2711
585-232-6500

and

Richard J. Metzger, P.E.
Monroe County Water Authority
475 Norris Drive
Rochester, New York 14610-0999
585-442-2000

Facility: East Side Water Supply
Lake Ontario shoreline North of Lake Road, South on Basket Road, then
West to Salt Road, South to Sweets Corner Road, then West to the existing
Monroe County Water Authority District Connection

Application ID Numbers: 8-2699-00097/00002 & Number 10,853
8-2699-00097/00001 & SPDES No. NY-0247367
8-2699-00097/00003
8-2699-00097/00005

Permit(s) Applied for:

New York State Environmental Conservation Law ("ECL") article 15, title 15 and part 601 of title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York ("6 NYCRR") - Public Water Supply
 ECL article 17, title 8 and 6 NYCRR parts 750-758 - State Pollutant Discharge Elimination System (SPDES)
 ECL article 24 and 6 NYCRR part 663 - Freshwater Wetlands
 ECL article 15, title 5 and 6 NYCRR part 608 - Use and Protection of Waters
 ECL article 15 and 6 NYCRR part 608 - Water Quality Certification
 ECL article 34 and 6 NYCRR part 505 - Coastal Erosion Management

Project is Located In: Towns of Webster and Penfield, Monroe County, New York

Notice of Complete Application: A combined notice of complete applications was published on June 14, 2006 in the New York State Department of Environmental Conservation's electronic Environmental Notice Bulletin.

Project Description: The applicant proposes to construct and operate a new potable water supply system on the east side of Monroe County. The project will be located in the Towns of Webster and Penfield and will be comprised of the following facilities:

- (1) a lake water intake system;
- (2) a raw lake water transmission system;
- (3) a water treatment system; and
- (4) a finished potable water transmission system.

The purpose of the project is to provide a new drinking water supply system to supplement the applicant's existing production, transmission and distribution system. The new supply facilities will be developed in stages with an initial supply capacity of 50 million gallons per day (mgd). Pursuant to the New York State Environmental Conservation Law ("ECL"), the Department has permit jurisdiction in the following regulatory programs:

ECL article 15, title 15 and 6 NYCRR part 601 - Public Water Supply
 ECL article 17, article 8 and 6 NYCRR parts 750-758 - State Pollutant Discharge Elimination System (SPDES)
 ECL article 24 and 6 NYCRR part 663 - Freshwater Wetlands
 ECL article 15, title 5, and 6 NYCRR part 608 - Use and Protection of Waters
 Section 608.9 of 6 NYCRR - Water Quality Certification
 ECL article 34 and 6 NYCRR part 505 - Coastal Erosion Management

The Department has received applications for each of the jurisdictions listed above and, after an initial review, has made the determination that each is complete to the extent that the applications can be made available for public review and comment, and for technical review by Department staff. The applications are described as follows:

With respect to the Public Water Supply permit application, DEC #8-2699-00097/2 & Number 10,853:

The applicant proposes to take a supply of water estimated to average 35 mgd, and up to 50 mgd, from Lake Ontario. Project includes installation of the East Side Water Supply system to increase the capacity, reliability and security of the Authority's system. Applications for new or increased withdrawals, consumptive uses or exceptions shall be considered cumulatively within ten years of any application.

With respect to the SPDES permit application, DEC #8-2699-00097/1 & SPDES # NY-0247367:

The applicant proposes a new, combined discharge of approximately 1.3 mgd of filter backwash and water treatment wastewater, along with collected stormwater flows to Lake Ontario, a Class A waterbody, from the proposed Lake Water Pump Station and Water Treatment facility. The Department has made a preliminary determination to approve issuance of a SPDES permit for this project under article 17 of the ECL. This determination indicates that the discharge is considered to satisfy regulatory standards for permit issuance and that the Department seeks comments on the proposed activity prior to making a final permit decision.

With respect to the Freshwater Wetlands permit application, DEC #8-2699-00097/3:

The applicant proposes to disturb approximately 2.26 acres of regulated wetland and 4.42 acres of wetland adjacent area, as needed, to construct pipeline infrastructure and surface structures associated with the project. The project has been designed to minimize encroachments to the extent practicable. A restoration and re-planting plan will be prepared to mitigate construction impacts.

With respect to the Use and Protection of Waters permit application, DEC #8-2699-00097/5:

The applicant proposes to construct intake and outfall structures on the lake bottom of Lake Ontario. The intake structure will provide a source of raw lake water for the new water supply system and the outfall will provide a discharge point for water treatment plant filter backwash and collected stormwater. This permit will also authorize disturbance to regulated streams, as needed, for pipeline crossings and construction of other system infrastructure.

With respect to the application for Water Quality Certification, DEC #8-2699-00097/5:

For those project construction activities subject to jurisdiction by the US Army Corps of Engineers (USACOE), the Department will issue certification, pursuant to Section 401 of the Federal Water Pollution Control Act, that such activities will not contravene applicable water quality standards.

With respect to the Coastal Erosion Management permit application, DEC #8-2699-00097/5:

The applicant proposes a temporary use within the Lake Ontario coastal erosion hazard area during initial construction of the new water supply system. A temporary stormwater outfall pipeline will be placed across the limits of the hazard area while the permanent outfall tunnel is advanced underground across the regulated areas.

Department Staff has not taken a position on these applications pending further evaluation of information to be obtained at the legislative hearing.

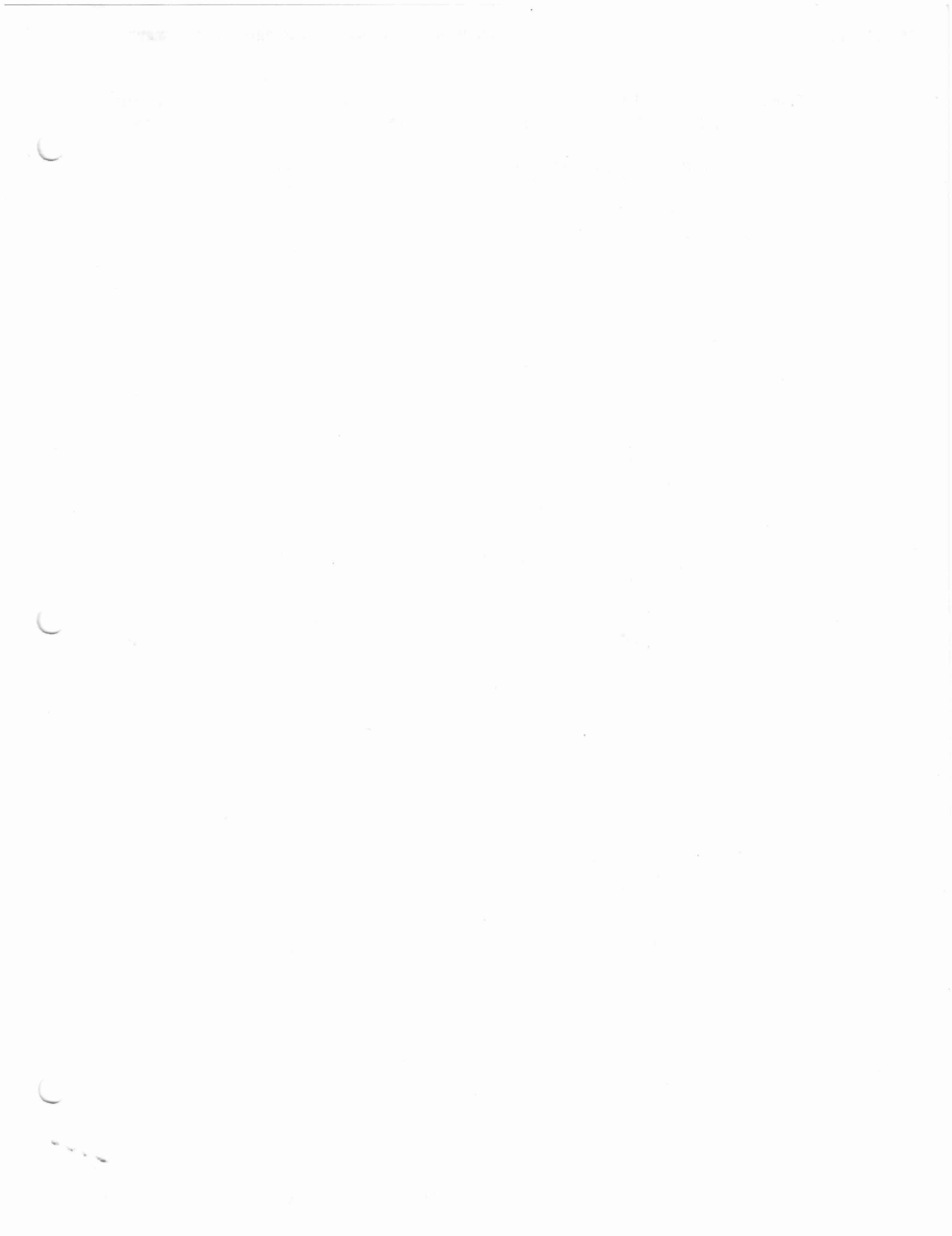
Legislative Hearing: All persons, organizations, corporations or government agencies that may be affected by the project are invited to comment on the application. For this purpose, a legislative hearing, conducted pursuant to 6 NYCRR 621.7(c), to receive unsworn comments will be held on Thursday, November 30, 2006 from 1:30 PM to 4:00 PM at the Town of Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York 14526 (telephone number 585-340-8600). A second hearing session will take place on the same date at 7:00 PM at the Spry Middle School, Webster Central School District, 119 South Avenue, Webster, New York 14580 (telephone number 585-265-2500; School District Office telephone number 585-216-0000).

It is not necessary to file in advance to speak at the legislative hearing. Lengthy statements should be in writing and summarized for oral presentation. Reasonable time limits may be set for each speaker to afford everyone an opportunity to be heard. Equal weight will be given to both oral and written statements. The hearing locations are reasonably accessible to persons with a mobility impairment. Pursuant to the State Administrative Procedure Act ("SAPA"), interpreter services shall be made available to hearing impaired persons, at no charge, upon written request to the administrative law judge named below at least five business days prior to the hearing.

Written comments may also be submitted at the legislative hearing or may be mailed to be received on or before Friday, November 24, 2006 at the Office of Hearings and Mediation Services at the address listed below.

Copies of the project plans and the draft permits for the Water Supply and SPDES applications are available for review at the Department of Environmental Conservation Region 8 office in Avon, New York (contact John Cole, 585-226-5395); the Monroe Co. Water Authority office at 475 Norris Dr., Rochester, New York (contact Richard Metzger, 585-442-2000); and the Department's Office of Hearings and Mediation Services (contact Maria E. Villa, Administrative Law Judge, telephone 518-402-9003).

State Environmental Quality Review (SEQR) Determination: The Monroe County Water Authority, as SEQR lead agency, issued a positive declaration



on June 12, 1995. A final environmental impact statement was accepted on November 12, 1996 and is on file.

State Historic Preservation Act (SHPA) Determination: A Structural-Archaeological Assessment Form has been completed. The New York State Office of Parks, Recreation and Historic Preservation ("OPRHP") has determined that the proposed activity will not have an impact on registered or eligible archaeological sites or historic structures. No further review in accordance with SHPA is required.

Coastal Management: This project is located in a Coastal Management area and is subject to the Waterfront Revitalization and Coastal Resources Act. A federal coastal consistency assessment form has been completed and submitted to the New York State Department of State. General concurrence that project activities are consistent with the New York State Coastal Management Policies was issued by the New York State Department of State on September 21, 2005.

Statutory and Regulatory Provisions: The application is processed and this proceeding is conducted according to the Environmental Conservation Law ("ECL") article 1 (General Provisions); article 3, title 3 (General Functions); article 8 (State Environmental Quality Review, "SEQR"); article 15, title 15 (Public Water Supply); article 15, title 5 (Use and Protection of Waters); article 17, title 8 (State Pollutant Discharge Elimination System); article 24 (Freshwater Wetlands); article 34 (Coastal Erosion Management); and also title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York ("6 NYCRR") part 617 ("SEQR"); part 621 (Uniform Procedures); part 601 (Public Water Supply); part 750-758 (State Pollutant Discharge Elimination System); part 608 (Use and Protection of Waters; Water Quality Certification); part 663 (Freshwater Wetlands); and part 505 (Coastal Erosion Management).

September 27, 2006
Albany, New York

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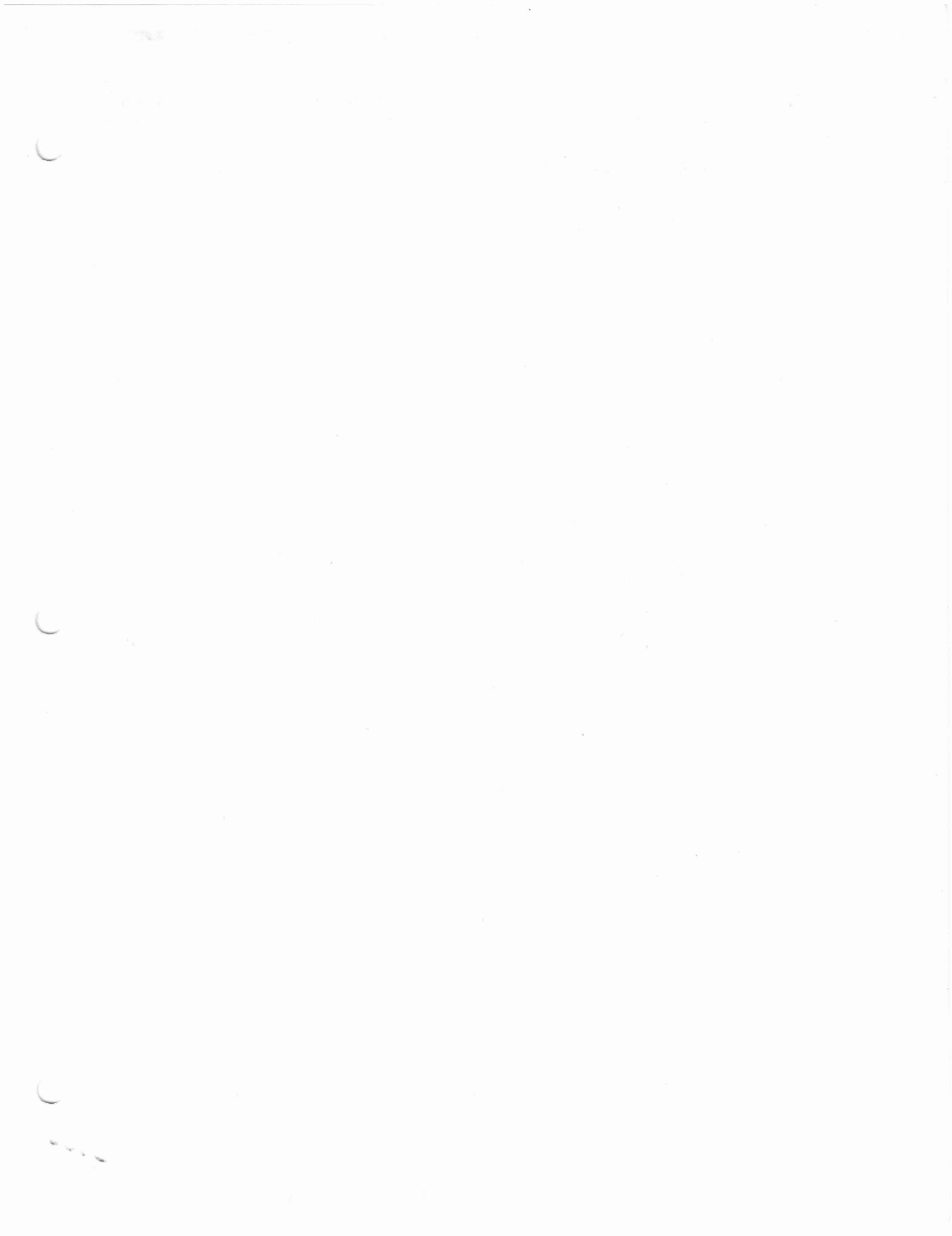
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September 27, 2006
Albany, New York

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

DATE: SEP 18 2006

SUBJECT: Monroe County Water Authority (MCWA)
East Side Water Supply Project
Proposed Federal Grant No.XP972710-05

FROM: John C. Mello, Chief
Construction Grants Section, WPB

TO: Grace Musumeci, Chief
Environmental Review Section, SPMM

We are in receipt of a letter dated August 24, 2006 from Mr. Robert J. Metzger, P.E., Director of Production and Transmission, MCWA in response to our May 22, 2006 email for additional information/documentation for the planned East Side Water Supply Project.

Mr. Metzger has included copies of updated consultation letters, additional information concerning their required permits, Agriculture and Markets Final Notice of Intent, the responsiveness summary to comments received during the NYSDEC permit application process, other regulatory concurrences and the following six (6) looseleaf binders:

- (1) Joint Application for the East Side Water Supply Project (June 2005);
- (2) SPDES Permit Application for the East Side Water Supply Project (June 2005);
- (3) Water Supply Application for the East Side Water Supply Project (October 2005);
- (4) Water Supply Application for the East Side Water Supply Project, Attachment 4, Contract Plans (October 2005);
- (5) Water Supply Application for the East Side Water Supply Project, Attachment 5, Basis of Design Report/Engineering Report (October 2005); and
- (6) Application for Approval of Plans for a Wastewater Disposal System for the East Side Water Supply Project (December 2005).

Please be advised that my office has requested that the MCWA not submit a formal grant application until the NEPA review process is completed. To date, they (MCWA) have been appropriated FY05 and FY06 funds totaling \$ 5,760,500 for this East Side Water Supply Project.

Should you have any questions, feel free to contact me at 7-3836. I will be the PO for this project.

Attachments



MONROE COUNTY WATER AUTHORITY

Shoremont Treatment Plant • 4799 Dewey Avenue P.O. Box 12697
Rochester, New York 14612-0697 • (585) 442-2000 • Fax: (585)621-1204

August 24, 2006

Mr. John C. Mello
Chief, Construction Grants Section
United States Environmental Protection Agency, Region II
290 Broadway
New York, NY 10007-1866

RE: Monroe County Water Authority Eastside Water Supply Project
FILE: 02-S05 #1

Dear John:

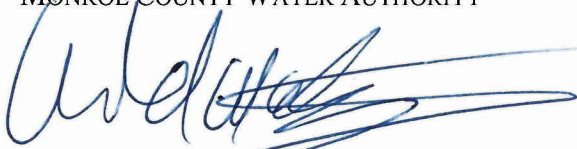
The enclosed documents are submitted in response to the documentation requests contained in your May 22, 2006 email.

- 1) Updated consultation letters:
 - i) US Fish & Wildlife – updated June 8, 2006
 - ii) State Historic Preservation Office - As per our conversation last week, we still do not have SHPO's formal response to our request for a re-review. Letters and emails documenting our attempts to obtain an updated letter are enclosed. Nancy Herter of SHPO has indicated that they will be reissuing their certification very soon (based on a phone call this week).
- 2) Particulars about required permits:
 - i) The applicable permits and the project activities covered by each are covered in the NEPA Environmental Information Document, Appendix A, Table 1-4.
 - ii) Copies of the NYS DEC and COE permit applications and draft permits provided by NYS DEC are enclosed, as they provided expanded detail.
 - (1) Joint Application
 - (a) NYSDEC
 - (i) Stream Disturbance
 - (ii) Navigable Waters
 - (iii) Freshwater Wetlands
 - (iv) Coastal Erosion Control
 - (v) 401 Water Quality Certification
 - (vi) Potable Water Supply
 - (b) COE
 - (i) Section 404
 - (ii) Section 10
 - (iii) Nationwide 7 & 12
 - (2) SPDES Application
 - (3) Water Supply Application
 - (4) Wastewater Disposal System
 - 3) NYS Department of Ag and Markets determination:
 - i) Agriculture and Markets Final Notice of Intent certification is enclosed.

- 4) Other regulatory concurrences received:
 - i) NYS Department of State's coastal zone consistency letter
 - ii) NYS DOH – engineering report approval
 - iii) NYS DEC - draft permits
- 5) Objections and/or controversy regarding this project:
 - i) The NYS DEC permit application process included a public comment period. Just twelve letters (the project will serve a population of more than 650,000) were received during that comment period. Our responsiveness summary is attached.

Call me if there are any additional questions or documentation needs.

Very Truly Yours,
MONROE COUNTY WATER AUTHORITY



Richard J. Metzger, P.E.
Director of Production and Transmission

Encl.

cc: S Gould - MCWA
R. Vanderbrook – CPA
S. Eckler - OBG



New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

RECEIVED

August 22, 2006

AUG 28 2006

M.C.W.A. Engineering Dept.
PER.....KA.....

Thomas Peaslee
Monroe County Water Authority
475 Norris Drive
Rochester, New York 14610

Re: EPA CORPS
MCWA's East Side Water Supply Project
Towns of Penfield and Webster
Monroe County
06PR04516 (Formerly 92PR2338)

Dear Mr. Peaslee:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the project in accordance with Section 106 of the National Historic Preservation Act of 1966.

Based upon this review, it is the SHPO's opinion that your project will continue to have **No Effect** upon cultural resources in or eligible for inclusion in the National Registers of Historic Places.

The SHPO appreciates the opportunity to comment on this information. It should be noted that further consultation with the SHPO will be necessary if there are any changes to the project. Please telephone me at ext. 3280 with any questions you may have. Please also refer to the PR# above in any future correspondences for this project.

Sincerely,

Nancy Herter
Historic Preservation Program Analyst,
Archaeology



Richard Metzger

From: Tom Peaslee
Sent: Monday, August 14, 2006 3:34 PM
To: 'Nancy.Herter@oprhp.state.ny.us'
Cc: Richard Metzger; 'Roger Vanderbrook (RVanderbrook@ClarkPatterson.com)'; 'Steve M. Eckler (EcklerSM@obg.com)'; 'Kyle Buelow'
Subject: MCWA's East Side Water Supply Project

Hi Nancy,

Thank you for helping me with this request during our phone conversation today.

Here is the original 1995 "No Effect" opinion from your agency:



DEIS 17
andix 6 SHPO Cer

The Monroe County Water Authority is currently in the final design phase and working to obtain all the necessary permits and approvals for this project. The USACOE and EPA have requested that we obtain an updated "No Effect" opinion from your agency.

Please be advised that the scope of the project has not changed since we received the 1995 "No Effect" opinion from your agency.

Thank you again,

Tom Peaslee

Thomas G. Peaslee, P.E.
(585) 442-2001 ext 268



STATE OF NEW YORK
DEPARTMENT OF AGRICULTURE AND MARKETS
1 WINNERS CIRCLE
ALBANY, NEW YORK 12235

Division of Agricultural Protection
and Development Services
518 457-7076
Fax: 518 457-2716

RECEIVED
FEB 2 1997
M.C.W.A. Engineering Dept.
PER.....

January 31, 1997

Mr. Richard J. Metzger, P. E.
Chief Engineer
Monroe County Water Authority
P.O. Box 10999
Rochester, New York 14610-0999

**Re: Final Notice of Intent - Certification,
Monroe County Agricultural District #3, Towns of Penfield & Webster,
East Side Water Supply Project.**

Dear Mr. Metzger:

I have reviewed the certification submitted by the Monroe County Water Authority (MCWA), on January 29, 1997, pursuant to Section 305(4)(g) of the Agriculture and Markets Law, in connection with the advance of public funds and acquisition of easements for waterline construction, East Side Water Supply Project, within Monroe County Agricultural District #3, Towns of Penfield and Webster.

The certification meets the requirements of Section 305(4)(g). Therefore, the MCWA has completed its filing obligations under Section 305(4) for the proposed action. Please be advised that the Department will proceed to close its files in this matter.

Sincerely,

ROBERT SOMERS, Ph.D.
Chief, Agricultural Protection Unit

RS:sd

cc: Dennis Pelletier, Chair, Monroe County Agricultural and Farmland Protection Board
c/o John Lamb, Ag. Issues, Monroe County Dept. of Planning & Development
Robert King, Monroe County Cooperative Extension
Steve Eckler, O'Brien & Gere Engineers, Inc.

File: 95/035-NOI



STATE OF NEW YORK
DEPARTMENT OF AGRICULTURE AND MARKETS

George E. Pataki
Governor

Donald R. Davidsen, D.V.M.
Commissioner

January 17, 1997

Mr. Richard J. Metzger, P.E.
Chief Engineer
Monroe County Water Authority
P.O. Box 10999
Rochester, New York 14610-0999

Dear Mr. Metzger:

Pursuant to Section 305(4) of the Agriculture and Markets Law, the Department of Agriculture and Markets has completed its review of the Final Notice of Intent submitted by Monroe County Water Authority (MCWA), in connection with the advance of public funds and acquisition of easements for waterline construction within **Monroe County Agricultural District #3, Towns of Penfield and Webster.**

In consultation with the Commissioner of Environmental Conservation, the Secretary of State, the Advisory Council on Agriculture, and the Monroe County Agricultural and Farmland Protection Board, I have determined that the proposed action would not have an unreasonably adverse effect on the continuing viability of farm enterprises within the district; state environmental plans, policies and objectives; or state comprehensive plans, policies and objectives. This Determination is based, in part, on the sponsor's adoption of the Department's construction standards, the nature of the project (i.e., the construction of a transmission main rather than distribution mains), the placement of the main along property boundaries, MCWA's agreement to acquire temporary easements for and additional 25 to 50 feet along the transmission ROW to accommodate full-width stripping of the top soil, and the agreed to mitigation measures specified in the DEIS and FEIS. The Monroe County Water Authority is requested to inform the Department of its construction schedule so that periodic inspections of the construction and restoration phases of this action can be performed by Department staff. Furthermore, in light of the anticipated construction schedule, if the nature or scope of the project changes prior to construction, MCWA may be required to file another notice.

Please be advised that in order to complete your filing obligations under Section 305(4), the MCWA must certify to me at least ten days prior to advancing the funds to construct or constructing the sewer and waterline extensions that it has made an explicit finding that the requirements of Section 305(4) have been met, and that to the maximum extent practicable, adverse agricultural impacts revealed in the Notice of Intent process will be minimized or avoided. The certification requirement is more fully set forth in Section 305(4)(g) of the Agriculture and Markets Law.

Sincerely,

DONALD R. DAVIDSEN, D.V.M.
Commissioner

Richard J. Metzger
Page 2
January 17, 1997

DRD/sd

cc: David A. Pilliod, Director, Office for Local Government Services, NYS DOS
James E. Beil, Acting Director, Division of Lands and Forests, NYS DEC
Charles E. Wille, Chair, Advisory Council on Agriculture
Dennis Pelletier, Chair, Monroe County Agricultural and Farmland Protection Board
c/o John Lamb, Ag., Issues, Monroe County Dept. of Planning & Development
Robert King, Monroe County Cooperative Extension
✓ Steve Eckler, O'Brien & Gere Engineers, Inc.

File: 95/035-NOI



FAX TRANSMITTAL RE: LISTED SPECIES REQUEST
U.S. FISH AND WILDLIFE SERVICE
New York Field Office
3817 Luker Road, Cortland, NY 13045
Phone: (607) 753-9334 Fax: (607) 753-9699



June 8, 2006

To: Richard J. Metzger

This responds to your June 5, 2006, request for listed species information in the vicinity of the proposed Eastside Water Supply Project in the Towns of Webster and Penfield, Monroe County, New York.

Except for occasional transient individuals, no Federally-listed or proposed endangered or threatened species under our jurisdiction are known to exist within the project impact area. In addition, no habitat in the project impact area is currently designated or proposed "critical habitat" in accordance with provisions of the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*). Therefore, no further ESA coordination or consultation with the U.S. Fish and Wildlife Service (Service) is required. Should project plans change, or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered. The most recent compilation of Federally-listed and proposed endangered and threatened species in New York* is available for your information. Until the proposed project is complete, we recommend that you check our website* every 90 days from the date of this letter to ensure that listed species presence/absence information for the proposed project is current. Should our determination change and any part of the proposed project be authorized, funded, or carried out, in whole or in part, by a Federal agency, further consultation between the Service and that Federal agency pursuant to the ESA may be necessary.

The above comments pertaining to endangered species under our jurisdiction are provided as technical assistance pursuant to the ESA. This response does not preclude additional Service comments under other legislation.

For additional information on fish and wildlife resources or State-listed species, we suggest you contact the appropriate New York State Department of Environmental Conservation regional office(s)* and New York Natural Heritage Program Information Services.*

Thank you for your time. If you require additional information please contact me at (607) 753-9334. Future correspondence with us on this project should reference project file 61271.

Sincerely,

Robyn A. Niver
Endangered Species Biologist

*Additional information referred to above may be found on our website at:
<http://www.fws.gov/northeast/nyfo/es/section7.htm>

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Monroe County

Federally Listed Endangered and Threatened Species and Candidate Species

This list represents the best available information regarding known or likely County occurrences of Federally-listed and candidate species and is subject to change as new information becomes available.

Common NameScientific NameStatusBog turtle (Riga and Sweden
Townships)*Clemmys [=Glyptemys] muhlenbergii* T

Status Codes: E=Endangered, T=Threatened, P=Proposed, C=Candidate, D=Delisted.

Information current as of: 2/18/2010

Riga
+

Sweden

Twp only

not Perfield or Webster

FILE**MONROE COUNTY WATER AUTHORITY**

Shoremont Treatment Plant • 4799 Dewey Avenue P.O. Box 12697
Rochester, New York 14612-0697 • (585) 442-2000 • Fax: (585) 621-1204

June 5, 2006

NYS Office of Parks, Recreation & Historic Preservation
Peebles Island
PO Box 189
Waterford, NY 12188-0189

Re: Eastside Water Supply Project,
OPRHP # 92PR2338
File: 02-S05 # 5

The Monroe County Water Authority is now close to implementing the construction phase of our Eastside Water Supply Project, as detailed in our prior submittals to you. We have now obtained partial funding from the Environmental Protection Agency for this project. Their grant administration section has asked us to verify that the approvals you provided to us remain valid. I have enclosed a copy of the prior approval from SHPO stating that the project "will have No Effect upon the cultural resources eligible for inclusion in the National Register of Historic Places".

Since your Office's sign-off and the completion of the SEQRA process, we have obtained funding and easements, as well as completed construction contract documents. There have been no substantive changes to the proposed facilities. A map of the overall project location is also enclosed for your reference.

Your prompt confirmation would be greatly appreciated.

Yours truly,
MONROE COUNTY WATER AUTHORITY

Richard J. Metzger, P.E.
Director of Production and Transmission

Enc.

cc: S. Gould - MCWA
R. VanderBrook - CPA
S. Eckler - OBG





Bernadette Castro
Commissioner

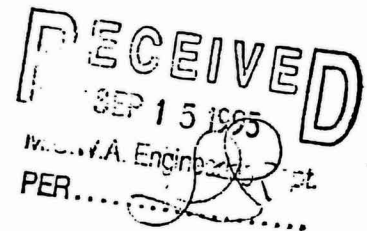
New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

September 8, 1995

Richard J. Metzger
Monroe County Water Authority
P.O. Box 10999
475 Norris Drive
Rochester, NY 14610-0999

Dear Mr. Metzger:



RE: Multiple Agencies
East Side Water Supply
Penfield, Webster, Monroe County
92PR2338

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the project in accordance with Section 106 of the National Historic Preservation Act of 1966.

Based upon this review, it is the SHPO's opinion that your project will have No Effect upon cultural resources eligible for inclusion in the National Register of Historic Places.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Ruth L. Pierpont

Ruth L. Pierpont
Director, Historic Preservation
Field Services Bureau

RLP:cm

CORPS-WEBSTER LAKE WATER SUPPLY

Agency/Project Name

WEBSTER, MONROE

Township/County

May 22, 1995

Date

92PR2338

OPRHP Project Review Number

Dear Steven M. Eckler,

The New York State Historic Preservation Officer (SHPO) has reviewed the materials you submitted in accordance with the relevant implementing regulations. Based upon this review, it is the opinion of the SHPO your project will have no effect/impact on those characteristics of the property which would qualify it for inclusion in the State and National Registers of Historic Places.

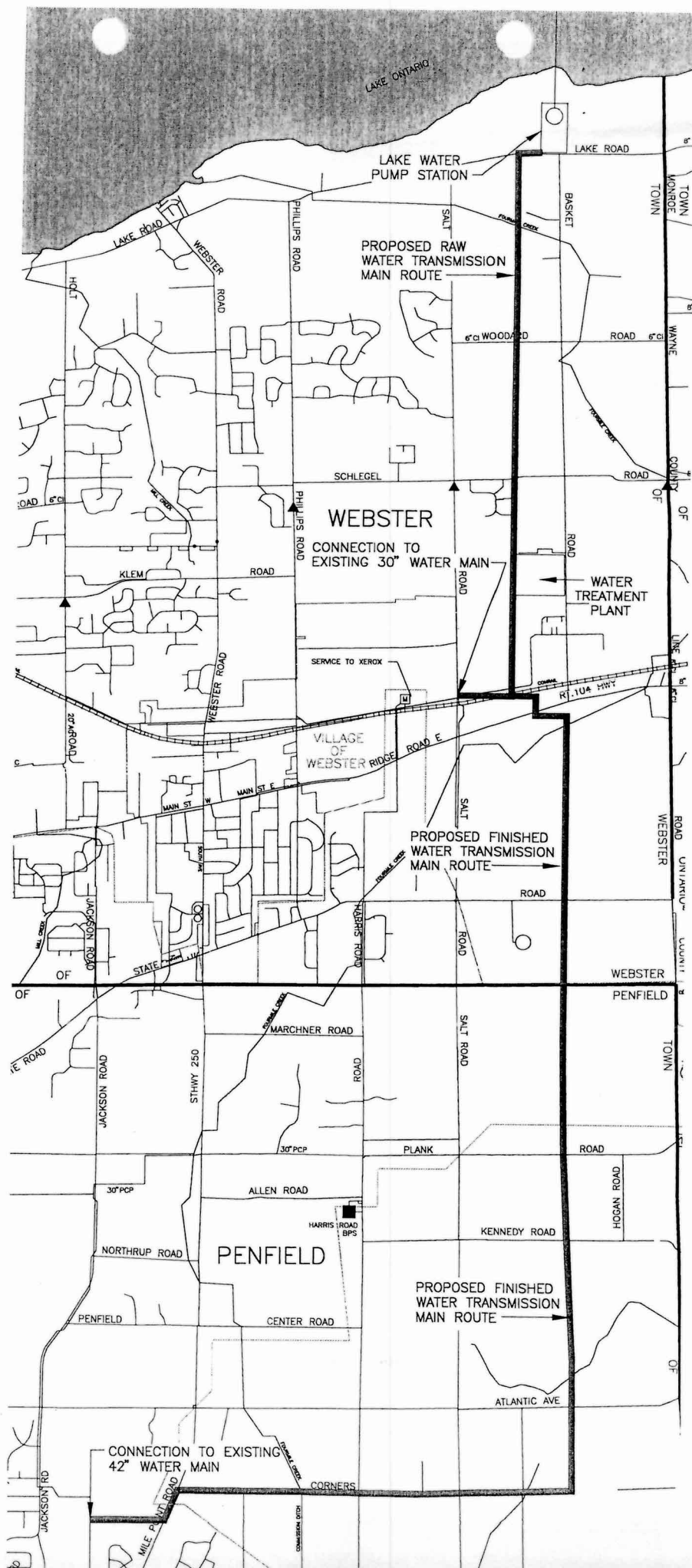
This notification certifies your compliance with the Federal §106 and/or State §14-09 Preservation Laws. This card should be retained in your files to demonstrate compliance with these laws at any future date. If you need any additional information regarding this project, please contact the Project Review Unit of the Field Services Bureau at 518/237-8643. Please cite the above-referenced OPRHP Project Review Number on any future inquiries.



Sincerely,

Julia S. Stokes
Julia S. Stokes

Deputy Commissioner for Historic Preservation



ALTERNATIVES

The Draft Environmental Impact Statement (DEIS) issued by the Authority in May 1996 included an alternatives analysis with an evaluation of alternative sites for project components. The Authority considered the following site analysis criteria in light of the overall project purposes:

- siting of the facilities in the eastern portion of Monroe County to maximize the capacity and reliability of the Authority's system
- proximity to Lake Ontario (*i.e.*, water dependent use)
- siting of the interconnected system components proximal to each other to maximize the efficient use of public funds
- utilization of existing land acquisition (LWPS site was acquired in 1965) and easements
- cost

In addition to the alternatives analysis provided in the DEIS, the Authority also evaluated several alignment alternatives that were presented by the NYSDEC in a November 8, 2005 letter. The following factors were presented to the NYSDEC as reasons why the alignment presented in the 2005 Joint Application for Permit is the most favorable option:

1. The alternative alignments will increase the amount of pipe installation by 4,250 feet. This will increase construction costs by \$2.6 million.
2. The alternative alignments will have a permanent adverse impact on energy consumption due to the additional length of pipe and number of bends. At today's rates, the cost of additional pumping is \$250,000 over the next 20 years.
3. The alternative alignments will likely result in an encroachment on federal wetlands. The environment within which this project will be constructed is characterized by significant State and federal wetland coverage – literally a wetland maze, which creates circumstances where shifting the alignment to avoid a State wetland will likely result in an encroachment on federal wetlands; the most significant of which would occur at the toe of the slope of the Gloria Drive Landfill.
4. The alternative alignments will increase the length of pipeline extending along the perimeter of the (closed) Gloria Drive Landfill. Throughout the State Environmental Quality Review Act (SEQR) & EIS process, minimization of this was also considered to be important.
5. The alternative alignment proposed on the Leisten Property would require condemnation. The eminent domain procedure law process (EDPL) is a last resort.
6. Portions of the wetlands in this portion of the project area (including W39, W41, and W42) have been previously "disturbed" by others, including the "existing road corridor through the wetland" identified in the NYSDEC's letter. As suggested by the NYSDEC, it may be possible to utilize these previously cleared areas as a portion of the Authority's alignment. In any case, wetland values may have already been diminished in these wetlands (*i.e.*, habitat fragmentation).
7. As noted above, the Authority is willing to allow re-growth of trees over the pipeline alignment to "further reduce and minimize wetland impacts from this project." *

Based on this evaluation, the Authority concludes that the proposed route, with a commitment to restore the impacted areas within the limits of the initial construction and future repairs, provides the best balance of environmental issues with social, engineering, and economic considerations for this project.

Clean Water Act Section 404(b)(1) Guidelines

The United States Environmental Protection Agency's Clean Water Act § 404(b)(1) guidelines require that an applicant demonstrate that there is no practicable alternative to the proposed discharge that would

have less adverse impact on the aquatic ecosystem. An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of the overall project purposes (40 CFR § 230.10(a)(2)).

This supplemental alternatives analysis was submitted to the United States Army Corps of Engineers (Corps) to fulfill the applicant's obligation of demonstrating that there are no practicable alternatives to its proposal that would have less adverse impacts on wetlands. Information was compiled from various sources previously submitted to the Corps in support of the Authority's Joint Application for Permit (Application No. 2005-01765). Information sources consisted of:

- Draft and Final Environmental Impact Statements (dated May 1996 and November 1996, respectively)
- Joint Application for Permit (dated June 2005)
- Correspondence to the New York State Department of Environmental Conservation (NYSDEC) (dated February 2, 2006)
- Joint Application for Permit Supplemental Information (dated August 15, 2006)

A tabular summary is provided to identify information that the Corps can rely on to demonstrate that the proposed discharges subject to Section 404 of the Clean Water Act comply with the EPA's "Guidelines for Specifications of Disposal Sites for Dredged or Fill Material."

Part 230 – Section 404(b)(1) Guidelines for Specification of Disposal Sites for Dredged or Fill Material

Compliance With The Guidelines

Part 230.10(a) Except as provided under Section 404(b)(2), no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences.

Lake Water Intake System

The tunnel portion of the Lake Water Intake System will significantly minimize adverse impacts on the aquatic ecosystem. Work within Lake Ontario will be limited to installation of the intake crib. The selection of tunnel technology construction will result in significantly less impacts to Lake Ontario compared to traditional cut-and-cover techniques, also discussed in the Draft Environmental Impact Statement (DEIS). Cut-and-cover construction was utilized for the Authority's existing Shoremont WTP intake, as well as by many other Lake Ontario intakes and outfalls.

The Authority's acquisition of the Lake Road property in 1965 was consistent with long-range planning requirements developed in response to the projected growth of the Authority service area. This particular site was selected based on its proximity to Lake Ontario, location in the eastern portion of the Authority service area (east of Irondequoit Bay), and its availability along the highly developed Lake Ontario shoreline. Alternative sites satisfying the site analysis criteria do not currently exist along Lake Road between Salt and Basket Roads. Review of National Wetland Inventory mapping for areas east of Irondequoit Bay indicate that the concentration of potential federal wetlands is similar throughout the area. As a result, the use of an alternative site for the Lake Water Pump Station (LWPS) would not be practicable given the economic impact of purchasing new land.

The LWPS configuration balances cost, existing technology and logistics. As illustrated on the plans previously submitted to the Corps, 2.97± acres of federal wetlands were delineated on the LWPS site. These wetlands are distributed over the entire site and consist predominantly of linear bands of scrub-shrub/emergent wetlands traversing east-west across the site. Some of these wetlands may be "isolated." Proposed facilities will result in a 1.33 acre encroachment. 1.12 acres represent permanent encroachments by LWPS facilities, while the remaining 0.21 acres represent temporary construction phase encroachments associated with the pipelines. This figure represents a reduction of permanent encroachment area identified in our August 15, 2006 submission, but is consistent with our intent to minimize permanent wetland impacts along pipeline alignments. In developing the proposed LWPS layout, the Authority accounted for the need to:

- locate these water dependent facilities near Lake Ontario
- minimize impacts to forested wetlands located on the southern portion of the site
- provide for a utilitarian and functional configuration of components consistent with engineering standards
- provide for substantive compliance with local zoning codes (i.e., building setbacks, access, parking)
- account for existing grades and area to provide adequate storm water management
- minimize aesthetic impacts on neighboring residential properties by maintaining vegetative buffers
- provide adequate area for wetland mitigation


Part 230 – Section 404(b)(1) Guidelines for Specification of Disposal Sites for Dredged or Fill Material	Compliance With The Guidelines
	<p><u>Raw Lake Water and Finished Water Transmission Systems</u></p> <p>In the DEIS, the Authority evaluated cross-country and highway right-of-way alignments for proposed raw lake water and finished water transmission pipelines. The diameter of pipelines range from 48-inch to 60-inch. Ultimately a combination of road and cross-country routes was selected. This decision was based on the following reasons:</p> <ul style="list-style-type: none"> • Installation of these large diameter pipelines (and future maintenance) along predominantly road alignments (<i>i.e.</i>, Salt and Basket Roads) would be extremely disruptive to existing land owners, traffic, and existing utilities, and would be more difficult and expensive construction. Installation along these road alignments would also require the acquisition of additional permanent and temporary easements to adequately complete the work. • Wetland encroachments along pipeline alignments will be temporary. It is highly unlikely that significant maintenance activities for larger diameter pipelines will be required after their installation. The Authority does not need regular access to the pipeline. The Authority will allow re-growth of trees (including plantings) over the pipeline alignment to further reduce and minimize wetland impacts from the project. <u>Restoration efforts will consist of the re-establishment of pre-construction grades and vegetation, including plantings of native wetland species.</u> The Authority's August 15, 2006 supplemental submission to the Corps included a restoration of surfaces specification that will be included in the Contract Documents. This specification contains items on topsoil stripping and stockpiling methods, topsoil depths, soil amendments to be used, seed mixes, mulching, species composition and application rates. The Authority will provide an inventory of existing, native wetland species within the limits of construction along forested Wetland No. W39 [NYSDEC Wetland PN-20]; and NYSDEC Wetland Nos. W41, and W42 [NYSDEC Wetland PN-16]. Approximate percentages of dominant species will be identified. It is understood that the planting and restoration plan will require review and approval by the NYSDEC and Corps. • The most cost-effective design minimizes bends and turns in the pipeline route to get from point A (LWPS) to point B (WTP) to point C (interconnection with existing transmission system). As a publicly funded authority, the Authority must balance environmental, engineering, and cost issues. • The environment within which the project is located is characterized by significant State and federal wetland coverage – literally a wetland maze, which creates circumstances where shifting the alignment to avoid one wetland will likely result in an encroachment on another.

Part 230 – Section 404(b)(1) Guidelines for Specification of Disposal Sites for Dredged or Fill Material	Compliance With The Guidelines
	<p>Water Treatment System In accordance with Section 231.10(a), co-locating the WTP on the LWPS site does not represent a practicable alternative for the following cumulative reasons:</p> <ul style="list-style-type: none"> • Co-locating the WTP and LWPS facilities on the 27-acre site would permanently encroach upon 2.97-acres of wetlands, an increase of 1.85 acres of permanent wetland encroachment when compared to construction of the LWPS facilities alone (<i>i.e.</i>, 1.12 acres). • Co-location of the WTP and LWPS facilities would require clearing of the entire site and additional adverse environmental impacts including: <ul style="list-style-type: none"> ➢ lack of adequate buffer between WTP facilities and adjacent residential land uses and associated noise and aesthetic impacts (the Basket Road WTP site is located within an existing industrial zone) ➢ an increase in storm water flows requiring management (quality and quantity) proximal to the sensitive coastal bluff area.
Part 230.10(a)(5) To the extent that practicable alternatives have been identified and evaluated under a Coastal Zone Management program, a section 208 program, or other planning process, such evaluation shall be considered by the permitting authority as part of the consideration of alternatives under the Guidelines.	A Federal Coastal Consistency Assessment was completed and submitted to the New York State Department of State (NYSDOS). In its response to the Authority, the NYSDOS indicated that "the Department of State has determined that this proposal meets the Department's general consistency concurrence criteria. Therefore, further review of the proposed activity by the Department of State, and the Department's concurrence with an individual consistency certification, are not required." A copy of the NYSDOS correspondence has been forward to the Corps.
Part 230.10(b) No discharge of dredged or fill material shall be permitted if it: (1) causes or contributes, after consideration of disposal site dilution and dispersion, to violations of any applicable State water quality standard.	The project includes mitigation to minimize adverse impacts to waters of the United States. Contractors will be required to adhere to performance specifications and permit conditions including the NYSDEC's 401 Water Quality certification.
Part 230.10(b) No discharge of dredged or fill material shall be permitted if it: (2) violates any applicable toxic effluent standard or prohibition under Section 307 of the Act.	Project discharges will be limited to storm water discharges during construction and operation phase discharges consisting of WTP filter backwash (lake water) and storm water. No discharges will violate toxic effluent standards.
Part 230.10(b) No discharge of dredged or fill material shall be permitted if it (3) jeopardizes the continued existence of species listed as endangered or threatened under the Endangered Species Act of 1973, as amended, or results in the likelihood of the destruction or adverse modification of a habitat which is determined by the Secretary of the Interior or Commerce, as appropriate, to be a critical habitat under the Endangered Species Act of 1973, as amended.	The United States Fish & Wildlife Service (USFWS) and NYSDEC Natural Heritage Program have concluded that the project will not impact endangered or threatened species or critical habitats. Copies of the USFWS and NYSDEC correspondence were previously provided to the Corps.
Part 230.10(b) No discharge of dredged or fill material shall be permitted if it (4) violates any requirement imposed by the Secretary of Commerce to protect any marine sanctuary designated under title III of the Marine Protection, Research, and Sanctuaries Act of 1972.	No marine sanctuaries are located in the project area.
Part 230.10(c) Except as provided under Section 404(b)(2), no discharge of dredged or fill material shall be permitted which will cause or contribute to significant degradation of the waters of the United States.	Work within wetland areas will be conducted in accordance with performance specifications and permit conditions. The Authority previously provided a restoration of surfaces specification that will be included in the Contract Documents. This specification contains items on topsoil stripping and stockpiling methods, topsoil depths, soil amendments to be used, seed mixes, mulching, species composition and application rates. The Contractor will also be responsible for implementing and maintaining

Part 230 – Section 404(b)(1) Guidelines for Specification of Disposal Sites for Dredged or Fill Material	Compliance With The Guidelines
	erosion and sedimentation control (E&SC) features until restoration activities have been completed. The implementation of appropriate mitigation will eliminate the potential for adverse environmental impacts including impacts on: human health or welfare; life stages of aquatic life and other wildlife dependent upon aquatic ecosystems; aquatic ecosystem diversity, productivity, and stability; or recreational, aesthetic, and economic values.
Part 230.10(d) Except as provided under Section 404(b)(2), no discharge of dredged or fill material shall be permitted unless appropriate and practicable steps have been taken which will minimize potential adverse impacts of the discharge on the aquatic ecosystem.	E&SC features illustrated on project drawings previously submitted to the Corps include the appropriate and practicable steps to be implemented and maintained to minimize potential adverse impacts of discharges to the aquatic ecosystem.

RECEIVED
MAY 18 2009

John Mello/R2/USEPA/US
05/22/2006 02:41 PM

To: Richard Metzger <Richard.Metzger@MCWA.com>
cc
bcc: William Lawler/R2/USEPA/US
Subject: RE: Response to Environmental review questions 

Richard:

The attached file contains additional questions from our Environmental Review Section.


MCWA.NEPA.wpd

Any questions, email or call me at 212-637-3836.

Thanks !

Richard Metzger <Richard.Metzger@MCWA.com>



Richard Metzger
<Richard.Metzger@MCWA.com>
05/17/2006 02:02 PM

To: John Mello/R2/USEPA/US@EPA
cc
Subject: RE: Response to Environmental review questions

Did this meet your needs?

From: Richard Metzger
Sent: Wednesday, April 26, 2006 11:27 AM
To: 'Mello.John@epamail.epa.gov'
Cc: Steve Eckler (EcklerSM@obg.com); Roger Vanderbrook (RVanderbrook@ClarkPatterson.com)
Subject: Response to Environmental review questions

John:

The following is submitted in response to the questions posed in your April 5, 2006 email:

--- status of federal and state wetlands permits needed

C

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The Joint Application for Permit which includes the following state and federal permits was submitted on June 21, 2005:

- NYS Department of Environmental Conservation (NYSDEC) Permits
 - Stream Disturbance (Bed and Banks)
 - Navigable Waters (Excavation and Fill)
 - Freshwater Wetlands
 - Coastal Erosion Control
 - 401 Water Quality Certification
 - Potable Water Supply
- US Army Corps of Engineers (USACE)
 - Section 404 (Waters of the United States)
 - Section 10 (Rivers and Harbors Act)
 - Nationwide Permits #'s 7 & 12

Since the Application was submitted, there have been discussions with the state concerning the Freshwater Wetlands permit. In February of this year, the Authority submitted additional information related to that application. As of this date the permit has not been issued. Based on our last discussion with the NYSDEC, we believe that the state's concerns have been addressed and the permit will be issued in the near future. Based on our discussions with the USACE, they are awaiting the outcome of the resolution of the wetland issue with the NYSDEC before they advance the federal approval.

--- status of coastal zone consistency determination from the NYS Dept. of State

We have received a letter dated September 21, 2005 from the New York State Department of State, Division of Coastal Resources advising that the Authority's proposed project meets the Department's general consistency concurrence criteria and that further review is not required.

--- are regulatory approvals needed to withdraw water from Lake Ontario? If so, what is the status?

On October 17, 2005 a Water Supply Application for the construction and operation of the project was submitted to the NYSDEC. On March 29 of this year supplemental information was submitted in response to comments from the Department. The Application is currently under review.

--- any construction permits from the NYSDEC ? Approvals from the NYSDOH?

In addition to the permits listed under the Joint Permit Application (#1 above) the project must comply with the requirements of the NYSDEC's SPDES General Permit for Stormwater Discharges from Construction Activity, Permit No. GP-02-01. Coverage under

this permit is obtained by filing a Notice of Intent with NYSDEC at least sixty (60) days in advance of the start of construction. This notice will be filed at the appropriate time prior to the start of construction. In accordance with the SPDES General Permit, Storm Water Pollution Prevention Plans (SWPPPs) have also been prepared for each construction site disturbing greater than 1-acre.

Prior to the start of construction the plans and specifications for the project must be approved by the New York State Department of Health (NYSDOH). To date the Basis of Design Report along with preliminary plans and specifications have been submitted to NYSDOH for review and comment. Final approval will not be granted until the plans and specifications are completed.

--- any discharge permits from the NYSDEC? from the NYSDOH?

On July 21, 2005 the State Pollution Discharge Elimination System (SPDES) Permit Application was submitted to NYSDEC. The Authority has received and responded to review comments and anticipates that the permit will be issued in the near future. The New York State Department of Health does not have any permit requirements related to discharges from the project.

--- any other approvals that we need to know about ? (i.e., NYS Dept. of State - coastal zone consistency statement)

On December 28, 2005 an Application for Approval of Plans for a Wastewater Disposal System was submitted to NYSDEC. This application is for the residual/waste handling system for the Water Treatment Plant. No response has been received from NYSDEC to date.

Also, the endangered species consultations and the NYS Historic Preservation Officer consultations are now over a decade old. We need to receive follow-up documentation from these agencies to ensure that they are still valid.

We believe that both of these determinations of non-significance remain valid today. Both consultations are based on a review of the historical record, and no substantive changes to the Project, or the project area, has occurred since these reviews were completed that would change the record. The NYS Historic Preservation Office has on multiple occasions issued its determination of non-significance. Environmental Impact Statements prepared for several other nearby projects have not identified any change to the record relative to either topic.

Given the amount of time that has passed since the EA was submitted (June 3, 2005), the reality of how long it would take to get the agencies to re-review the record, and the verification that the record has not changed as evidenced by the Environmental Impact Statements subsequently completed for multiple project undertaken by others in the surrounding area, the prior work should still be deemed acceptable.

John Mello/R2/USEPA/US
04/26/2006 11:34 AM

To William Lawler/R2/USEPA/US@EPA
cc
bcc
Subject Fw: Response to Environmental review questions for Monroe
County WA

History: This message has been replied to.

Below is a response from MCWA to our 4/5/06 email !

----- Forwarded by John Mello/R2/USEPA/US on 04/26/2006 11:30 AM -----



Richard Metzger
<Richard.Metzger@MCWA.com>
04/26/2006 11:26 AM

To John Mello/R2/USEPA/US@EPA
cc EcklerSM@obg.com, RVanderbrook@ClarkPatterson.com
Subject Response to Environmental review questions

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John Mello/R2/USEPA/US
04/05/2006 07:25 AM

To Richard.Metzger@MCWA.com
cc
bcc William Lawler/R2/USEPA/US
Subject Some initial EID Review Comments

Our NEPA people are working on preparing the environmental assessment for the East Side project and an initial problem they've encountered is that there is no up-to-date information concerning the status of all the regulatory permits, consultations and approvals needed to implement this project. It would be helpful to be able to know :

- status of federal and state wetlands permits needed
- status of coastal zone consistency determination from the NYS Dept. of State
- are regulatory approvals needed to withdraw water from Lake Ontario ? If so, what is the status ?
- any construction permits from the NYSDEC ? Approvals from the NYSDOH ?
- any discharge permits from the NYSDEC? from the NYSDOH ?
- any other approvals that we need to know about ? (i.e., NYS Dept. of State - coastal zone consistency statement)

Also, the endangered species consultations and the NYS Historic Preservation Officer consultations are now over a decade old. We need to receive follow-up documentation from these agencies to ensure that they are still valid.

If there are any other approvals/consultations that we (EPA) should be made aware of and that should be part of our environmental assessment, please feel free to forward them, in addition to the above, to my attention.

Thanks !



William Lawler/R2/USEPA/US

05/01/2006 03:51 PM

To John Mello/R2/USEPA/US@EPA

cc

bcc Grace Musumeci/R2/USEPA/US@EPA

Subject Environmental review questions for Monroe County Water Authority

Thanks for forwarding the additional information that you received in response to my request for the updated status of the project's environmental permits and authorizations, etc. In light of the fact that the SEQRA EIS was issued a number of years ago, I was hopeful that some up-to-date information about the project's impacts and how the permitting processes are mitigating them might be gleaned from the more current permits/approvals.

EPA needs to prepare, and issue for public comment, a concise environmental assessment (EA) of the project in accordance with our responsibilities under the National Environmental Policy Act. To the extent that certain facets of the project are governed/controlled by existing environmental permitting processes, we need to discuss them in the environmental assessment that we are currently preparing. Unfortunately, the response does not contain the level of information needed.

Please ask the applicant to provide the relevant particulars about each the required permits and approvals. For example, what are the particulars as to why the stream disturbance, navigable waters, and wetlands permits are required (locations, type of actions planned) apply so that we can include a concise discussion in our EA (e.g., how many acres of wetlands are affected, what mitigation is proposed). What are each of the permit applications for (e.g., the Water Supply Application -- what specifically is being applied for that is within the jurisdiction of the NYSDEC to approve/disapprove? gallonage? location?)

Who regulates placement and design of the intake in Lake Ontario - and water withdrawals from the Lake? What is the Water Supply Application for?

It would be helpful to have a copy of any and all regulatory concurrences -- including the NYS Dept of State's coastal zone consistency letter -- as well as any other approvals as they are received.

Also, has the NYS Dept of Ag and Markets determined that the current project would not unreasonably affect agricultural lands?

With respect to the old consultation letters, I suggest that the applicant followup with both the USFWS and SHPO whether their 10 year old consultation letters are still considered valid, particularly since federal funding is now involved. It is not within EPA's jurisdiction to decide whether or not these consultation letters are still valid or not. Rather, EPA needs to demonstrate that we have complied with the Endangered Species Act and the National Historic Preservation Act or unacceptable

In addition, we need to know about any objections/controversy about the project.

Ordinarily, most if not all of this information would have been provided in the applicant's environmental information document.

As always, I am available to discuss this further.

John Mello/R2/USEPA/US
04/26/2006 11:34 AM

To William Lawler/R2/USEPA/US@EPA
cc
bcc
Subject Fw: Response to Environmental review questions for Monroe
County WA

Below is a response from MCWA to our 4/5/06 email !

----- Forwarded by John Mello/R2/USEPA/US on 04/26/2006 11:30 AM -----



Richard Metzger
<Richard.Metzger@MCWA.com>
04/26/2006 11:26 AM

To John Mello/R2/USEPA/US@EPA
cc EcklerSM@obg.com, RVanderbrook@ClarkPatterson.com
Subject Response to Environmental review questions

John:

The following is submitted in response to the questions posed in your April 5, 2006 email:

--- status of federal and state wetlands permits needed

The Joint Application for Permit which includes the following state and federal permits was submitted on June 21, 2005:

- NYS Department of Environmental Conservation (NYSDEC) Permits
 - Stream Disturbance (Bed and Banks)
 - Navigable Waters (Excavation and Fill)
 - Freshwater Wetlands
 - Coastal Erosion Control
 - 401 Water Quality Certification
 - Potable Water Supply
- US Army Corps of Engineers (USACE)
 - Section 404 (Waters of the United States)
 - Section 10 (Rivers and Harbors Act)
 - Nationwide Permits #'s 7 & 12

Since the Application was submitted, there have been discussions with the state concerning the Freshwater Wetlands permit. In February of this year, the Authority submitted additional information related to that application. As of this date the permit has not been issued. Based on our last discussion with the NYSDEC, we believe that the state's concerns have been addressed and the permit will be issued in the near future. Based on our discussions with the USACE, they are awaiting the outcome of the resolution of the wetland issue with the NYSDEC before they advance the federal

approval.

--- status of coastal zone consistency determination from the NYS Dept. of State

We have received a letter dated September 21, 2005 from the New York State Department of State, Division of Coastal Resources advising that the Authority's proposed project meets the Department's general consistency concurrence criteria and that further review is not required.

--- are regulatory approvals needed to withdraw water from Lake Ontario? If so, what is the status?

On October 17, 2005 a Water Supply Application for the construction and operation of the project was submitted to the NYSDEC. On March 29 of this year supplemental information was submitted in response to comments from the Department. The Application is currently under review.

--- any construction permits from the NYSDEC ? Approvals from the NYSDOH?

In addition to the permits listed under the Joint Permit Application (#1 above) the project must comply with the requirements of the NYSDEC's SPDES General Permit for Stormwater Discharges from Construction Activity, Permit No. GP-02-01. Coverage under this permit is obtained by filing a Notice of Intent with NYSDEC at least sixty (60) days in advance of the start of construction. This notice will be filed at the appropriate time prior to the start of construction. In accordance with the SPDES General Permit, Storm Water Pollution Prevention Plans (SWPPPs) have also been prepared for each construction site disturbing greater than 1-acre.

Prior to the start of construction the plans and specifications for the project must be approved by the New York State Department of Health (NYSDOH). To date the Basis of Design Report along with preliminary plans and specifications have been submitted to NYSDOH for review and comment. Final approval will not be granted until the plans and specifications are completed.

--- any discharge permits from the NYSDEC? from the NYSDOH?

On July 21, 2005 the State Pollution Discharge Elimination System (SPDES) Permit Application was submitted to NYSDEC. The Authority has received and responded to review comments and anticipates that the permit will be issued in the near future. The New York State Department of Health does not have any permit requirements related to discharges from the project.

--- any other approvals that we need to know about ? (i.e., NYS Dept. of State - coastal zone consistency statement)

On December 28, 2005 an Application for Approval of Plans for a Wastewater Disposal System was submitted to NYSDEC. This application is for the residual/waste handling system for the Water Treatment Plant. No response has been received from NYSDEC to date.

Also, the endangered species consultations and the NYS Historic Preservation Officer consultations are now over a decade old. We need to receive follow-up documentation from these agencies to ensure that they are still valid.

We believe that both of these determinations of non-significance remain valid today. Both consultations are based on a review of the historical record, and no substantive changes to the Project, or the project area, has occurred since these reviews were completed that would change the record. The NYS Historic Preservation Office has on multiple occasions issued its determination of non-significance. Environmental Impact Statements prepared for several other nearby projects have not identified any change to the record relative to either topic.

Given the amount of time that has passed since the EA was submitted (June 3, 2005), the reality of how long it would take to get the agencies to re-review the record, and the verification that the record has not changed as evidenced by the Environmental Impact Statements subsequently completed for multiple project undertaken by others in the surrounding area, the prior work should still be deemed acceptable.

 William Lawler/R2/USEPA/US

To John Mello/R2/USEPA/US@EPA

04/03/2006 05:18 PM

cc

bcc

Subject Monroe -- status of permits and other requisite authorizations

We are currently working on trying to prepare an environmental assessment of the project.

In doing this, one gap is immediately evident: There is no up-to-date information concerning the current status of all the regulatory permits, consultations and approvals needed to implement the project. Briefly, it would be helpful to be able know:

status of federal and state wetlands permit permits needed,
status of coastal zone consistency determination from the NYS dept of state,
are regulatory approvals needed to withdraw water from Lake Ontario? if so, status?
construction permits from the NYSDEC?,
discharge permits from NYSDEC?
updates on misc other approvals (NYS Dept of State -- coastal zone consistency statement)

In addition, the endangered species consultations and NYS Historic Preservation Officer consultations are now over a decade old.

They need to be followed up with the agencies to ensure they are still valid.

There probably are more items like this that the Project Engineer knows about. If so, we need to include the info in our environmental assessment to assist EPA in making out NEPA decision about the project.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

NOV 30 2005

Mr. Richard J. Metzger, P.E.
Director of Production and Transmission
Monroe County Water Authority
Shoremont Treatment Plant
4799 Dewey Avenue
Rochester, New York 14612-2423

RE: Monroe County Water Authority
Proposed Federal Grant No. XP972710-05
East Side Water Supply Project
Project No. 02-S05

Dear Mr. Metzger :

This office has completed its administrative review of the above referenced contract documents and offer the following comments :

1. Instructions to Bidders : The following new part must be added :

1.16 FEDERAL REQUIREMENTS AND CONTRACT PROVISIONS FOR THE
APPROPRIATIONS ACT GRANTS (USEPA - REGION 2)

- A. This Federal insert (see General Conditions) contains the Agency's procurement regulations (40 CFR Part 31.36) and the Federal requirements and provisions for this construction contract. However, Appropriations Act grants are NOT subject to Part 31's reference to the Davis-Bacon Act (Federal wage rates) and the "Buy American" requirements of the Clean Water Act.

The selected contractor must sign and date the following forms; Notice to Labor Unions and Other Organizations of Workers Nondiscrimination in Employment (Attachment 2) and Certification of Nonsegregated Facilities (Attachment 3) which are part of this Federal insert.

In addition, Part 1.01 on page 1-1 and the Table of Contents for Section 3 must be updated.

ENVIRONMENTAL PROTECTION
ADMINISTRATION

05 DEC -1 PM 3:37

SPMMPB

2. Advertisement : The following paragraph must be included :

Any contract or contracts awarded under this invitation for bids are expected to be funded in part by an Appropriations Act grant from the US Environmental Protection Agency. Neither the United States nor any of its departments, agencies or employees is or will be a party to this invitation for bids or any resulting contract. This procurement will be subject to regulations contained in 40 CFR Part 31.

3. Agreement :

— Article 1 : Reference is made to Engineering Project File No. : 02-505 ? Please correct.

4. Division 01 :

— Section 01103 (pg. 5-1-1), Part 1.02B refers to Section 02630 which is not part of these specs.

5. Division 02 :

— Table of Contents, please add Section 02610, Ductile Iron Pipe.

— Section 02110 (pg. 02110-5), Part 3.05D refers to Section 02200 which is not part of these specs.

— Section 02610 (pg. 5-2-1), Part 1.02 refers to Sections 02600 and 02675 which are not part of these specs.

— The following pages contain references to Section 01300 which is not part of these specs :
Pages 02950-1 and -3; 02953-1 and -2; 02954-1; 02955-1; 02956-1 and -2; 02963-1 and -2; 02967-1 and -2; and 02990-1 and -2.

— Section 02955 (pg. 02955-2), Part 2.1D, Section for Valves, Flanges and Appurtenances must be included.

— Section 02963 (pg. 02963-7), Sections need to be included in Part 1.8, Tolerances.

6. Division 03 :

— Section 03300 (pg. 03300-3), Part 1.3G.4. refers to Section 01450 and Part 1.3K refers to Section 02260. Both of these referenced sections are not part of these specs.

7. Bid Item Descriptions :

— Item No. 14, Method of Payment, states a unit price per **each**. Yet, the bid proposal (pg. 7-8) states a unit price per **cubic yard**. Please correct.

— Item No. 16, Method of Payment, states a unit price per **cubic yard**. Yet, bid proposal (pg. 7-9) states a unit price per **linear feet**. Please correct.

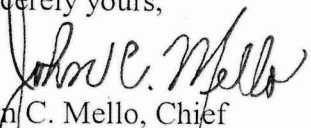
— Item Nos. 18 and 19, Work Included Under This Item, both of these items refer to Section 15060 which is not part of these specs.

Please be advised that I have enclosed a copy of our Federal insert, Federal Requirements and Contract Provisions for the Appropriations Act Grants (USEPA - Region 2). Also, comment no. 1 above states that this insert is part of the General Conditions. However, this insert can be incorporated into any other section of these specs. We only require that the Instructions to Bidders refer to this Federal insert and the requirement for the low bidder to sign/date the two forms.

In addition, this office is in receipt of your submittal (via email) of the Basis of Design information on November 23, 2005. This info was forwarded to our Environmental Review Section (ERS) and they have requested a map and/or drawings which show the location of each of these major components (i.e., intake system, Lakewater PS, water treatment plant and water transmission mains) in order to visualize the entire proposed East Side Water Supply Project and its proximity to existing facilities. Will there still be storage provided for this project? If so, please include this additional information as well.

Should you have any questions regarding the above comments, feel free to contact me at 212-637-3836 or via email at mello.john@epa.gov.

Sincerely yours,


John C. Mello, Chief
Construction Grants Section
Water Programs Branch

Enclosure

cc: Mr. Edward T. Marianetti (w/o enclosure)
Executive Director, MCWA

Mr. Steven G. Gold, P.E. (w/o enclosure)
Chief Engineer, MCWA

Mr. Joseph Salvatore (w/o enclosure)
US Army Corps of Engineers

bcc: J. Mello, CGS
W. Lawler, ERS
Section Files

- 131 grams weight
- 18 gms (cc in water/300 (atkins))
- Carter's guide to E. P. 1000
- 1000 gms
- 1000 gms

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

Bill

DATE: OCT 12 2005

SUBJECT: Monroe County Water Authority, NY
Proposed Federal Grant No. XP972710-05
East Side Water Supply Project

FROM: John C. Mello, Chief
Construction Grants Section, WPB

TO: Grace Musumeci, Chief
Environmental Review Section, SPMM

Attached please find one copy of drawings (half size) dated April 2005 for the first construction contract (Contract No. 1 - Raw Water Intake Tunnel) that the County has submitted for our administrative review.

The County expects to advertise this contract in January/February 2006. Construction cost is estimated to be approx. \$ 12 million.

Hopefully, these drawings will assist you in reviewing this part of the overall project and will supplement the environmental documents I forwarded to you by memorandum dated August 12, 2005.

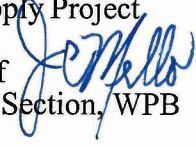
Should you or your staff have any questions, feel free to contact me at 7-3836.

Attachment

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

DATE: AUG 12 2005

SUBJECT: Monroe County Water Authority, NY
Proposed Federal Grant No. XP972710-05
East Side Water Supply Project

FROM: John C. Mello, Chief 
Construction Grants Section, WPB

TO: Grace Musumeci, Chief
Environmental Review Section, SPM

Attached please find the following documents (collectively serve as an EID), which were forwarded to my attention by letter dated June 3, 2005 from Mr. Richard J. Metzger, P.E., the Authority's Director of Production and Transmission :

- State Environmental Quality Review (SEQR) Findings Statement dated December 11, 1996 (Prepared by O'Brien & Gere Engineers, Inc.)
- East Side Water Supply Project - Draft Environmental Impact Statement (EIS) dated April 1996 (Prepared by O'Brien & Gere Engineers, Inc.)
- East Side Water Supply Project - Final EIS dated November 1996 (Prepared by O'Brien & Gere Engineers, Inc.)
- NEPA Environmental Information Narrative Document dated June 3, 2005 (Prepared by the Authority). When the Authority mentioned that they would be submitting all of these documents, I asked them to at least reference where specific topics were discussed by following our EID outline.

I had originally hoped that we could make the grant for only design costs (more than \$ 8M) but upon review of their documentation of how they procured the consulting firm, they could not meet our procurement requirements. So, they will be revising their application and asking for reimbursement of only construction costs. However, I asked them to wait until our NEPA review was completed before they submitted their revised application. Design documents will be completed by December 2005. I have also attached copies of their grant application.

In addition, upon review of the July 26, 2005 House Congressional Record, it looks like the Authority will have an additional \$ 2M appropriated for this particular project. Construction estimates for this water supply project total \$ 145 M.

Should you or your staff have any questions, feel free to contact me at 7-3836.

Attachments

**National Environmental Protection Act
Environmental Information Narrative Document**

Project Title:

MONROE COUNTY WATER AUTHORITY EASTSIDE WATER SUPPLY PROJECT

Lead Agency Address:

Monroe County Water Authority
Richard J. Metzger, P.E. Director of Production & Transmission
475 Norris Drive
Rochester, New York 14610- 0999
(585) 442-2000

Submitted To:

United States Environmental Protection Agency
Region 2
John C. Mello
290 Broadway
New York, NY 10007-1866

Date:

June 3, 2005



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Section 1 Description of the Proposed Action

1.1 Project Description

The Monroe County Water Authority proposes to acquire easements and other required property rights; design, construct, and operate the following water supply system components collectively referred to as the Eastside Water Supply Project.

- Lake water intake system
- Water treatment system
- Water transmission system

A description of the project systems, their components, and interrelationships are provided in Subsection 1.1.4 entitled "*Conceptual Design*" of the Draft Environmental Impact Statement (DEIS) dated April, 1996.

1.2 Project Purpose

The purpose of the proposed project is to:

- A. Provide a new source of drinking water supply to increase the capacity and reliability of the Authority's existing Shoremont Water Treatment Plant. The new water supply facilities outlined in the DEIS were to be developed to an ultimate capacity of up to 100 million gallons per day. The initial capacity will be 50 million gallons per day.
- B. Provide additional transmission capacity on the east side of Monroe County.
- C. Reduce overall vulnerability of the MCWA supply by providing a secondary water supply. If the Shoremont Plant were to be compromised, the MCWA would not be able to adequately service the current population.
- D. Achieve energy savings of about one megawatt. This energy savings is realized by decreasing the distance water needs to be pumped to service eastern Monroe County users.

1.3 Project Location

As seen in Appendix A, Figure 1, the proposed project is located in the Towns of Webster and Penfield, Monroe County, New York.

1.4 Additional Information

Section 1 of the DEIS (Appendix A) provides an in-depth discussion of the project purpose, benefits, background and history and other relevant information.



Section 2 Alternatives to the Proposed Action

This section identifies the alternatives considered as part of the proposed project. A more comprehensive review of each alternative is provided in Section 2 of the DEIS (Appendix A) entitled “*alternatives*” and beginning on Page 27.

The range of alternatives evaluated includes the “no action” alternative as well as alternatives which address the following issues:

- Water supply planning
- Land acquisition
- Sites
- Technologies
- Designs
- Timing or phasing

Section 3 Environmental Impacts of the Proposed Action

The section identifies the potential environmental impacts associated with the proposed project. A comprehensive analysis of each potential impact is provided in Section 4 of the DEIS (Appendix A) entitled “*Potentially Significant Environmental Impacts – Natural and Human Resources*” and beginning on Page 111. Additionally, an environmental justice review was prepared as a supplement for this EID and is presented in 4.13 of this document.

- 4.1 Geology (DEIS Page # 111)
 - 1. Surface and Subsurface Conditions
 - 2. Lake Bottom Conditions
 - 3. Unique Geologic Features
- 4.2 Water Resources (DEIS Page # 116)
 - 1. Ground Water Resources
 - 2. Surface Water Resources
 - 3. Unique Water Resources
- 4.3 Air Issues (DEIS Page # 122)
 - 1. Potential Impacts from Climate Conditions
 - 2. Potential Impacts to Air Quality
- 4.4 Terrestrial Ecology (DEIS Page # 123)
 - 1. Potential Impacts to Habitats and Species
- 4.5 Aquatic Ecology (DEIS Page # 125)
 - 1. Potential Impacts to the Lake Ontario Ecosystem
 - 2. Potential Impacts to Other Aquatic Ecosystems
 - 3. Potential Impacts from Zebra Mussels



- 4.6 Agricultural Resources (DEIS Page # 129)
 - 1. Potential Impacts to the Agricultural Setting
 - 2. Potential Impacts to the Agricultural District
 - 3. Potential Impacts to the Agricultural Soils
 - 4. Potential Impacts to Agricultural Drainage System
- 4.7 Transportation (DEIS Page # 131)
 - 1. Potential Impacts to the Existing Highway Network
 - 2. Potential Impact to Lake Navigation and Transportation
- 4.8 Existing Land Use and Zoning (DEIS Page # 137)
 - 1. Potential Impacts to Existing Land Use and Zoning
- 4.9 Community Services (DEIS Page # 141)
 - 1. Potential Impacts to Water Supplies
 - 2. Potential Impacts to Police and Fire Protection Services
 - 3. Potential Impacts to Recreational Facilities
 - 4. Potential Impacts to Waste Management
 - 5. Potential Impacts to Public Utilities
- 4.10 Demography (DEIS Page # 153)
 - 1. Potential Impacts to Population
 - 2. Potential Impacts to the Existing Employment and Tax Base
- 4.11 Cultural Resources (DEIS Page # 155)
 - 1. Potential Impacts to Historic and Archeological Resources
 - 2. Potential Impacts to Aesthetics
 - 3. Potential Noise Impacts
- 4.12 Reasonably Foreseeable Catastrophic Impacts to the Environment (DEIS Page # 163)
 - 1. Emergency Plan
 - 2. Catastrophic Tunnel Failure
- 4.13 Environmental Justice

The Draft and Final Environmental Impact Statement and Findings Statement where prepared for the Monroe County Water Authority Eastside Water Supply project was completed prior to the 1999 United States Environmental Protection Agency Publication "*Environmental Justice in the Permitting Process.*" In summary the US EPA's policy on Environmental Justice is outlined below.

Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. EPA has this goal for all



communities and persons across this Nation. It will be achieved when everyone enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.

In general, no project should target any population viewed as under-represented or lacking the ability to represent itself effectively in regards to the proposed project. This is typically achieved through ample and effective public participation opportunities.

The proposed project was subject to NYS SEQRA requirements for public participation. During the environmental review and associated background analysis, the public had several opportunities for input as listed below.

Public Input Opportunities for the MCWA Eastside Water Supply Project

- Informational and Environmental Impact Scoping Meeting, July, 1995
- DEIS Comment Period, April-July, 1996
- DEIS Public Hearing, June 3, 1996
- Informal Neighborhood Meetings held from 1991-1995
- Informational Publications in Local Newspapers

The primary area of disturbance associated with the proposed project is located in the Towns of Webster and Penfield, New York. According to the 2000 Census, the Town of Webster was 95 percent white with a Median Household Income of \$58,746. The Town of Penfield was 93.5 percent white with a median household income of \$63,223. Comparatively, New York and the United States white populations were 67.9 and 75.1 respectively. In addition, the NYS and United States Median Household Incomes were \$43,393 and \$41,994 respectively. Therefore, households in the Towns of Webster and Penfield earned 26 percent and 32 percent more than the State median household income respectively.

Section 4 Listing of Agencies and Persons Contacted

As part of the SEQRA process both involved and interested agencies were notified and provided with ample opportunities to provide comment related to the Monroe County Water Authority Eastside Water Supply Project. The list below provides an overview of the agencies and individuals who were contacted as part of this process as well as all individuals who provided comment related to the project.

Federal Agencies

Paul Leuchner, Chief, Regulatory Branch
U.S. Army Corps of Engineers
1776 Niagara Street
Buffalo, New York 14207



Sherry W. Morgan
Field Supervisor
U.S. Fish and Wildlife Service
3817 Luker Road
Cortland, New York 13045

M.G. Van Haverbeke, Commanding Officer
U.S. Coast Guard
Marine Safety Office
Room 1111, Federal Building
111 West Huron Street
Buffalo, New York 13045

David Pohl, Environmental Scientist
U.S. Environmental Protection Agency, Region II
Marine & Wetland Protection Branch
290 Broadway St., 24th Floor
New York, New York 10007

Maeve Arthars, Environmental Scientist
U.S. Environmental Protection Agency, Region II
Environmental Impact Branch
290 Broadway St., 28th Floor
New York, New York 10007

Frank Winkler, District Conservationist
Natural Resources Conservation Service
249 Highland Avenue
Rochester, New York 14620

State Agencies

Michael D. Zagata, Commissioner
New York State Department of Environmental Conservation
50 Wolf Road
Albany, New York 12233
Environmental Notice Bulletin
c/o Business Environmental Publications, Inc.
6 Sevilla Drive
Clifton Park, New York 12065

Robert K. Scott, Deputy Regional Permit Administrator
New York State Department of Environmental Conservation, Region 8 Office
6274 E. Avon-Lima Road
Avon, New York 14414



Vance A. Barr, Coastal Resources Specialist
New York State Department of State
Division of Coastal Resources & Waterfront Revitalization
Coastal Management Program
162 Washington Avenue
Albany, New York 12231-0001

Julia S. Stokes, Deputy Commissioner for Historic Preservation
Ruth L. Pierpont, Director, Historic Preservation Field Services Bureau
New York State Office of Parks, Recreation, and Historic Preservation
Field Services Bureau
P.O. Box 189, Peebles Island
Waterford, New York 12188-0189

Thomas A. Pohl, Esq., Senior Attorney
Bureau of Land Disposition
New York State Office of General Services
Mayor Erastus Corning 2nd Tower
Empire State Plaza
Albany, New York 12242

Jack Dunn, P.E., Chief, Design Section
Bureau of Public Water Supply Protection
New York State Department of Health
2 University Place Room 406
Albany, New York 12203-3399

Lewis M. Gurley, Regional Director
New York State Department of Transportation, Region 4
1530 Jefferson Road
Rochester, New York 14623-3161

Robert Somers, Chief
Agricultural Protection Unit
Division of Agricultural Protection & Development Services
New York State Department of Agriculture & Markets
1 Winners Circle
Albany, New York 12235

County Agencies

John Doyle, County Executive
Monroe County Executive's Office
39 West Main Street
Suite 110
Rochester, New York 14614

Richard Elliott, Director of Environmental Health
Monroe County Health Department
111 Westfall Road Room 908
Caller 632
Rochester, New York 14692

Frank L. Dolan, Director of Transportation
Monroe County Department of Transportation
350 East Henrietta Road
Rochester, New York 14620

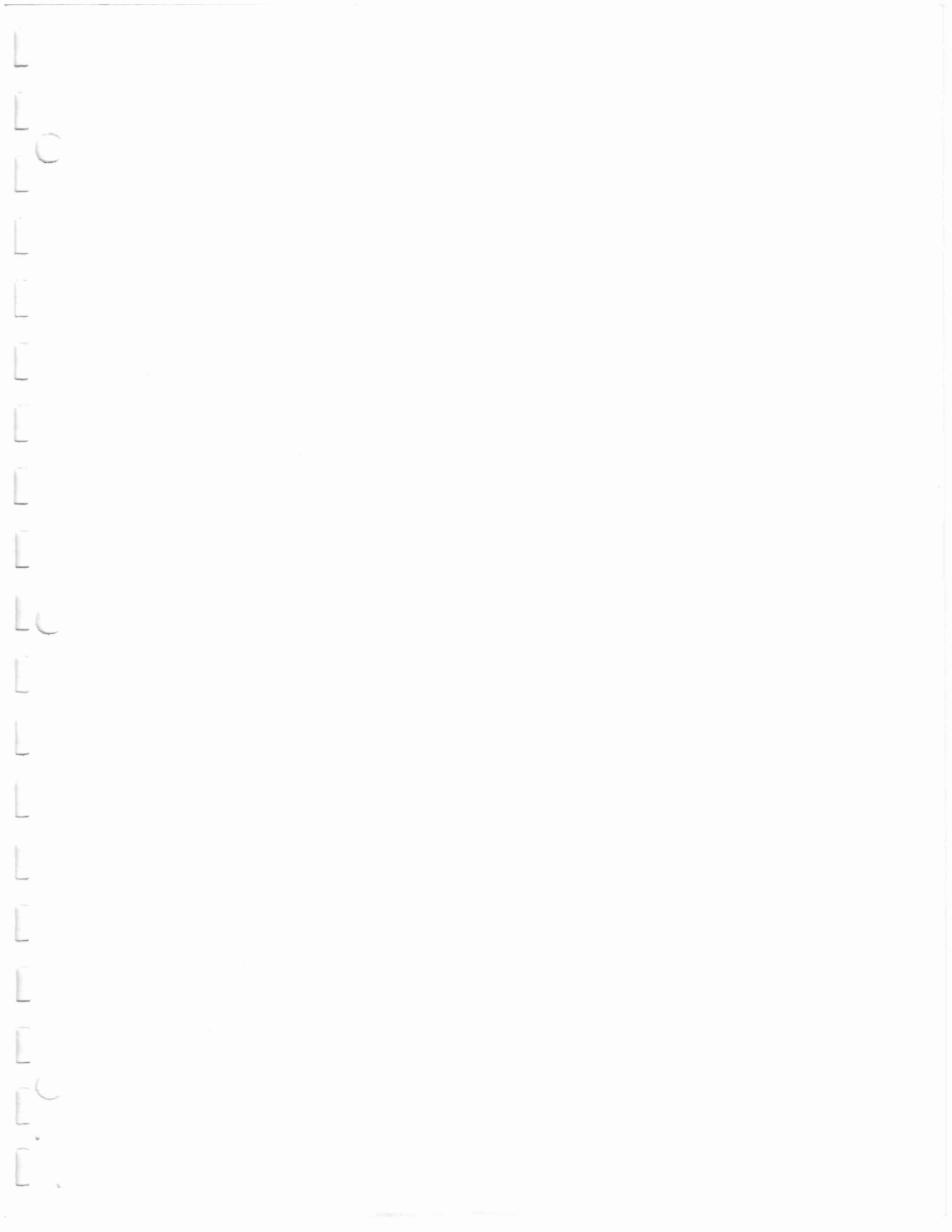
Thomas Goodwin, Environmental Planner
Monroe County Planning Department
Ebenezer Watts Building
47 South Fitzhugh Street, Suite 200
Rochester, New York 14614-2299

John Davis, Director of Engineering
Monroe County Engineering
350 East Henrietta Road
Rochester, New York 14620

Robert King, Agent
Dennis A. Pelletier, Chairman
Monroe County Agriculture and Farmland Protection Board
Monroe County Cooperative Extension
249 Highland Avenue
Rochester, New York 14620

Wm. Paul McDowell
Associate Director for Local Issues
Farm Bureau of New York
Route 9W, P.O. Box 992
Glenmont, New York 12077-0992

Marie V. Krenzer
Field Advisor
Farm Bureau of New York
Route 9W, P.O. Box 992
Glenmont, New York 12077-0922



Town Agencies

Cathryn C. Thomas, Supervisor
Town of Webster, Town Hall
1000 Ridge Road
Webster, New York 14580-2917

Angelo Arcoleo, Chairperson
Town of Webster Planning Board
Town Hall
1000 Ridge Road
Webster, New York 14580

William Rampe, Chairperson
Town of Webster Zoning Board of Appeals
Town Hall
1000 Ridge Road
Webster, New York 14580

Barry Deane, Superintendent of Highways
Town of Webster Highway Department
1005 Picture Parkway
Webster, New York 14580

Gary Kleist, Commissioner
Town of Webster Public Works Department
1000 Ridge Road
Webster, New York 14580

Channing H. Philbrick, Supervisor
Town of Penfield, Town Hall
3100 Atlantic Avenue
Penfield, New York 14526

Walter Peter, Chairperson
Town of Penfield Planning Board
Town Hall
3100 Atlantic Avenue
Penfield, New York 14526

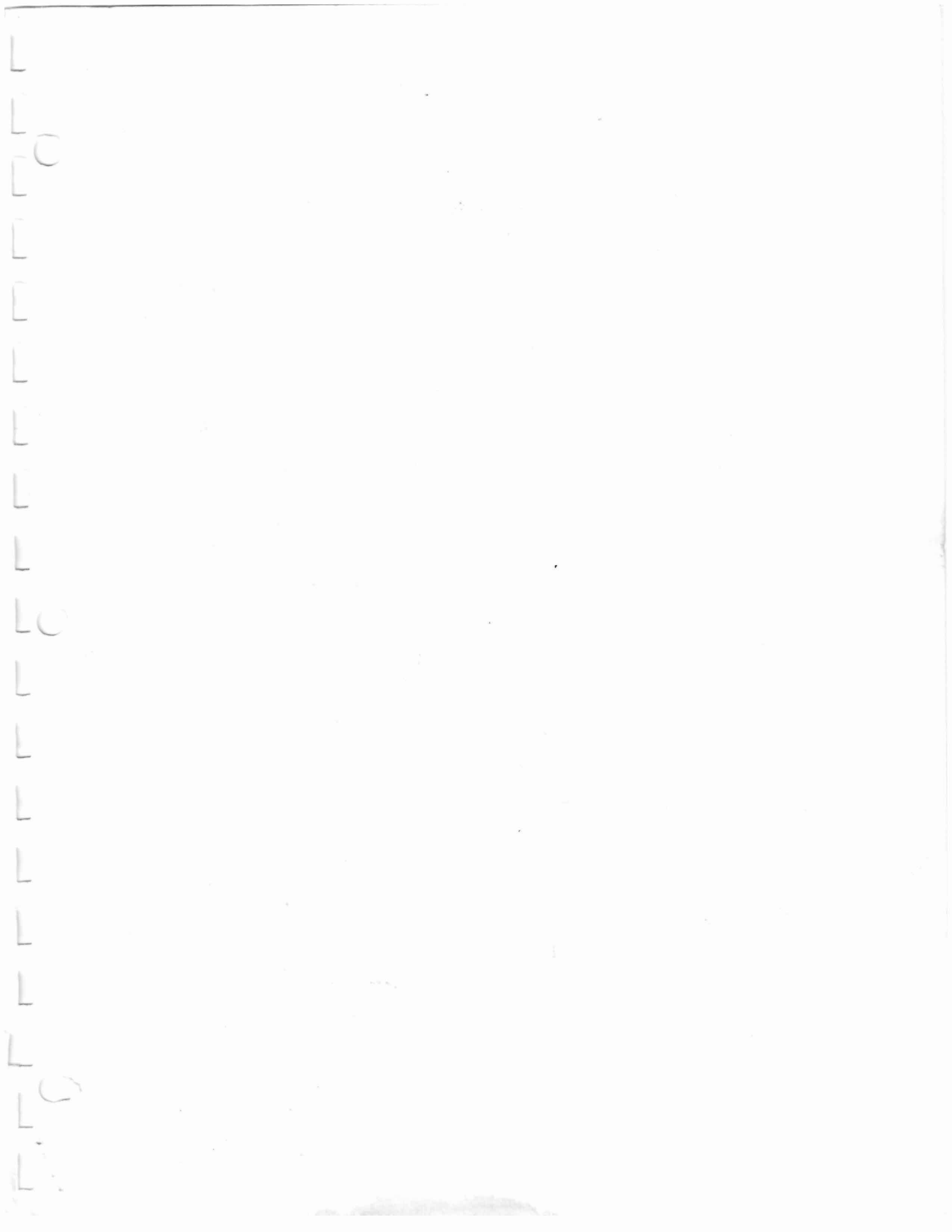
James Grossman, Chairperson
Town of Penfield Zoning Board of Appeals
Town Hall
3100 Atlantic Avenue
Penfield, New York 14526



James Fletcher, Director
Town of Penfield Department of Public Works
Town Hall
3100 Atlantic Avenue
Penfield, New York 14526

Section 5 Appendices

- A. *Draft Environmental Impact Statement (NYS SEQRA – 1996)*
- B. *Final Environmental Impact Statement (NYS SEQRA – 1996)*
- C. *Findings Document (NYS SEQRA – 1996)*



copy to: S. Gaud



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

FILE 02-505#5
RECEIVED

SEP 30 2005

CO.M.A. PROD/TRANS DEPT.

me

GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

September 21, 2005

Richard J. Metzger, P.E.
Monroe County Water Authority
Shoremont Treatment Plant
4799 Dewey Avenue
P.O. Box 12697
Rochester, NY 14612-0697

Re: F-2005-0544
U.S. Army Corps of Engineers/Buffalo District Permit Application
Monroe County Water Authority- construct East Side Water
Supply system
Lake Ontario, Towns of Webster and Penfield, Monroe County
General Concurrence

Dear Mr. Metzger:

The Department of State received your Federal Consistency Assessment Form (FCAF) and consistency certification and supporting information for this proposal.

The Department of State has determined that this proposal meets the Department's general consistency concurrence criteria. Therefore, further review of the proposed activity by the Department of State, and the Department's concurrence with an individual consistency certification, are not required. We have been notified of concerns by the New York State Department of Environmental Conservation about the preferred pipeline route. Should there be any changes or modifications to the project in the future, you are required to notify the Department of State so that we may review the modified proposal for consistency with the New York State Coastal Management Program.

When communicating with us regarding this matter, please contact Rebecca Madlin at (518) 486-7669 (email: rmadlin@dos.state.ny.us) and refer to our file #F-2005-0544.

Sincerely,

Jeff Zappieri
Supervisor of Consistency Review and Analysis
Division of Coastal Resources

Z/rm

cc: COE/Buffalo District - D. Kozlowski
NYS DEC Region 6- B. Fenlon
O'Brien & Gere Engineers, Inc. - Steve Eckler

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STATE OF NEW YORK
DEPARTMENT OF HEALTH

File: 02-805 #5

cc: Steve Gould

Flanigan Square, 547 River Street, Troy, New York 12180-2216

Antonia C. Novello, M.D., M.P.H., Dr.P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

June 9, 2005

RECEIVED

JUN 16 2005

M.C.W.A. PROD./TRANS DEPT.

me

Richard Metzger, P.E.
Monroe County Water Authority
4799 Dewey Avenue
P.O. Box 12697
Rochester, NY 14612-0697

Re: DWSRF # 16323; 16324; 16325; 16326; 16327
Log # 16962
Engineering (Basis of Design) Report
Water System Improvements – Eastside WTP
City of Rochester, Monroe County

Dear Mr. Metzger:

Our office, in conjunction with the Monroe County Department of Health, has reviewed the aforementioned engineering report for projects including a new water treatment facility, raw water intake system, raw water pump station, raw water transmission main & backwash return line, and finished water transmission mains. We hereby endorse this report with the following condition:

1. Plans and Specs for each project must be provided for our approval before beginning the construction of the projects.

If you have any question, please feel free to contact me at (518) 402-7650 or send me an e-mail to msk02@health.state.ny.us.

Sincerely,

Min-Sook Kim, Ph.D.

Engineer

Bureau of Water Supply Protection

cc: Clark Patterson Associates
MCDOH – Messrs. Elliott/Frazer/Naugle
NYSDOH – Mr. Harstad
NYSDOH - BWSP, Attn. Mr. Montysko
file



MONROE COUNTY WATER AUTHORITY

Shoremont Treatment Plant • 4799 Dewey Avenue P.O. Box 12697
Rochester, New York 14612-0697 • (585) 442-2000 • Fax: (585) 621-1204

U.S. EPA. REGION II
2005 JUN -8 PM 12:15
WATER PROGRAMS BRANCH

June 3, 2005

Mr. John C. Mello
United States Environmental Protection Agency
Region 2
290 Broadway
New York, NY 10007-1866

RE: NEPA: Eastside Water Supply Project
File: 02-S05 #5

Dear Mr. Mello:

Please find enclosed three copies of the Environmental Information Document for the Monroe County Water Authority East Side Water Project. It is our understanding this submittal will commence the EPA's review of the project pursuant to the National Environmental Policy Act (NEPA). Together, the following documents represent the EID for the project:

1. Environmental Information Document Narrative
2. SEQRA Draft and Final Environmental Impact Statements
3. SEQRA EIS Findings Statement

On a related matter, we expect to have a draft grant application to you next week.

If you should have any questions or comments, please do not hesitate to contact me at your convenience.

Very truly yours,

MONROE COUNTY WATER AUTHORITY

Richard J. Metzger, P.E.
Director of Production and Transmission

Enclosures

c: James Smith, Executive Director
Phillip J. Clark, P.E., Clark Patterson Associates
Roger J. Vanderbrook, P.E., Clark Patterson Associates





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JUN 01 2005

RE: Monroe County Water Authority
For the Eastside Water Treatment project

Mr. Richard J. Metzger, P.E.
Director of Production
Monroe County WA
Shoremont Treatment Plant
4799 Dewey Avenue
Rochester, New York 14612-2423

Dear Mr. Metzger :

Enclosed please find copies of letters from this Agency that were recently mailed to the Tuscarora Nation, Tonawanda Band of Senecas, Seneca Nation of Indians and the Haudenosaunee Environmental Task Force which listed your project (Congressional Earmark) as possibly being of interest to the Nations.

As addressed in our cover letters and in accordance with this Region's policy, we encourage early communication and cooperation among federally-recognized Indian Nations, Tribes, the EPA and other federal agencies, States, and local governments. Therefore, you may be contacted by the Nations requesting project-related information. However, feel free to initiate contact with the Nations, if appropriate.

Should you have any questions, feel free to contact me at 212-637-3836 or via email at mello.john@epa.gov.

Sincerely yours,

A handwritten signature in black ink that reads "John C. Mello".

John C. Mello, Chief
Construction Grants Section
Water Programs Branch

Enclosures

Haten



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

MAY 23 2005

Mr. Tim Twoguns
Cayuga Nation Environmental Technician
Cayuga Nation
P.O. Box 11
Versailles, New York 14168

Dear Mr. Twoguns:

In accordance with EPA Region 2's draft Consultation and Notification Policy for ensuring that the federally-recognized Indian Nations are closely involved in matters affecting them, enclosed is a list of projects in your Nation's area of interest that have been designated to receive federal grant assistance through EPA. The Fiscal Year 2005 Consolidated Appropriation Act (Public Law 108-447) requires EPA to award federal grants assistance for these Special Appropriation Act projects.

Sound environmental planning and management require cooperation and mutual consideration of neighboring governments to protect human health and the environment. Accordingly, EPA encourages early communication and cooperation among federally-recognized Indian Nations, Tribes, the EPA and other federal agencies, State and local government. In this spirit, please review the enclosed project list and let us know which of these projects, if any, are of interest to you. This will enable us to provide you with project-specific information as it becomes available.

At the same time, we strongly encourage you to also contact the designated grant recipients directly, to expedite obtaining project-related information and to promote open dialogue. In this way, any questions or concerns you have about these projects can be resolved as early as possible in the planning process.

Questions about Special Appropriations Act grants should be directed to Mr. John C. Mello, Chief of the Construction Grants Section, at (212) 637-3836. Information about EPA's environmental review process of these projects can be obtained from Ms. Grace Musumeci, Chief of the Environmental Review Section, at (212) 637-3738.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Walter Mugdan".

Walter Mugdan, Director
Division of Environmental Protection and Planning

Enclosure

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ORIGINAL ARTICLES
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**SPECIAL WATER AND WASTEWATER INFRASTRUCTURE PROJECTS (STAG ACCOUNT)
INCLUDED IN EPA'S FY 2005 APPROPRIATIONS ACT**

<u>Line Item</u>	<u>Earmark Designation</u>	<u>County</u>	<u>Grant/Earmark Amount</u>	<u>Description</u>
297	Cayuga County	Cayuga	\$481,100	For water infrastructure improvements
275	Cayuga County	Cayuga	\$192,400	For the Towns of Springport and Fleming for water and wastewater infrastructure improvements



MONROE COUNTY WATER AUTHORITY

PROJECT INFORMATION BULLETIN

EAST SIDE WATER SUPPLY PROJECT

TOWNS OF WEBSTER AND PENFIELD

Eng. No. 95-001

May 1996

Last year the Monroe County Water Authority (MCWA) initiated the environmental review of the East Side Water Supply Project. Our June 1995 Informational Bulletin introduced the project's concept, and outlined the schedule of the environmental review process. After the Informational Meeting and scoping session, held in July 1995, the Environmental Impact Statement (EIS) was preparation began. The draft of the EIS is now available for public and agency review and comment before it is finalized. This Bulletin further describes the proposed project and outlines upcoming actions in the environmental review process.

1. Why is the Project needed?

The Water Authority needs to develop a new source of potable water and increase the capacity and reliability of its existing water production, transmission, storage and distribution facilities to meet future demands for water. An evaluation of historical water demands and projections of growth indicate that it will eventually be necessary to construct additional facilities to meet our community's potable water needs. An additional water treatment plant will also provide a higher degree of reliability to the water delivery system.

Construction of the proposed facilities is not anticipated before the year 2000, but we need to advance the engineering and environmental reviews now so that we can determine the land and property rights that are needed for the Project. As the region continues to develop, it will be crucial to have the properties and easements in place so the proposed facilities can be constructed when they are needed.

What are the Proposed Facilities?

The Project's proposed facilities, as described below, will take water from Lake Ontario, treat it, and then deliver potable water to the existing transmission systems in Webster and Penfield. The general location and schematic of the Project is shown on the

last page of this bulletin.

An intake will withdraw water from Lake Ontario for treatment. It will most likely be constructed by tunneling methods and extend into the Lake about 6,000 feet. An intake crib will be constructed over the mouth of the tunnel. The tunnel will be about 8 feet in diameter. On shore, the tunnel will end at a vertical riser shaft, from which the Lake water will flow into the Lake Water Pumping Station (LWPS).

The LWPS will send the water through a Lake Water Supply Main to a Water Treatment Plant (WTP). Most of the pumping equipment will be located underground. The above-grade portion of the LWPS will be about the size of, and be of similar architecture to, a two-story home.

Two sites were evaluated for the WTP. The first is the property on which the LWPS would be constructed, the Lake Road site. The property is located north of Lake Road near Basket Road and was purchased by the Water Authority for this purpose in 1965. As outlined in the draft EIS, the second site, located on the west side of Basket Road, between Schlegel Road and Route 104 (the Basket Road site) is the preferred location for the WTP. The WTP will employ the same treatment processes used at the Water Authority's existing west side WTP (Shoremont) to treat the water to meet applicable state and federal drinking water standards. Treated potable water will then be pumped through the transmission mains to the existing water delivery system.

The Lake Water Supply Main and Transmission Main north of Route 104 will be 60-inches in diameter. The alternative routes for these mains are along and adjacent to Salt and Basket Roads, and cross-country between these two roads. The preferred route is the cross-country alternative. At Route 104, in Webster, an east-west 24 to 36-inch transmission main connection will be made to an existing 20-inch transmission main.

As potable water demands continue to grow, the WTP's capacity will be expanded and the

Transmission Main will be extended south, past Route 104. The pipe size will be 42 to 48-inches. The Transmission Main routes that were evaluated are along and adjacent to Salt Road, and cross-country between Salt and County Line Roads. The preferred route is the cross-country alternative.

A second east-west interconnection, located in Penfield, will be required to connect to an existing 42-inch transmission main located west of Route 250, just north of Whalen Road. The alternatives that were evaluated are along Sweets Corners Road, cross-country, generally south of and parallel to Sweets Corners Road, and some combination of these two routes.

The Project also includes a storage reservoir and a booster pumping station (BPS) to transmit water from the reservoir to the existing transmission system through the Penfield east-west interconnection. The proposed site for the reservoir and booster pumping station is north of Route 441 and west of Watson-Hulburt Road. The reservoir would have a capacity of up to 150 million gallons. The pumping station, like the LWPS, would have an aboveground structure, and the appearance of a home.

What is the Schedule for the Project?

The conceptual engineering and environmental assessment of the Project should be completed toward the end of 1996. Then we will proceed with acquiring the necessary land and easements. We have been acquiring options, mostly north of Route 104 in Webster, where most of the previous study work was done when Xerox was involved and we were exploring the possibility of using lake water for cooling. It has yet to be determined whether the water treatment plant or the reservoir would be constructed first, but in either case, as stated before, we do not expect to construct any facilities until after the year 2000.

What is the Environmental Review Process?

The Water Authority presented the Project's concepts and solicited public input at a Scoping Session on July 13, 1995. The substantive issues and comments that were received have been addressed in the draft Environmental Impact Statement.

Engineers and scientists did the field work last year that was necessary to prepare the environmental assessments. This included wetlands and habitat identifications and test borings (for bedrock locations). The draft Environmental Impact Statement is

available for public review and comment.

Copies are available at:

Webster Public Library
1 Van Ingen Drive
Webster

Penfield Public Library
1985 Baird Road
Penfield, New York

Monroe County Water Authority
475 Norris Drive
Rochester, New York

Comments can be submitted in writing or presented at a public hearing, and substantive comments will be addressed in the final Environmental Impact Statement. The completion of the EIS and the issuing of the Findings Statement will conclude the environmental review process.

Land and Easements

The Water Authority owns the land for the Lake Road site and the Reservoir/BPS site. Land options for the Basket Road WTP site have been acquired.

Easements are needed for the Lake Water Supply and Transmission Mains. Later this year we will be contacting more property owners along the preferred cross-country routes. Direct property owner contacts allow Water Authority personnel to discuss the owners' issues and concerns, answer questions and to make changes that address special or unique situations (i.e., septic system or drain tile locations, trees or landscaping or agricultural issues, etc.).

How do I get more Information?

An informational meeting and public hearing for the DEIS will be held on Monday, June 3, 1996 at 7:00 p.m. at the State Road Elementary School. At these meetings we will describe the Project in greater detail, explain the environmental review process, receive comments on the DEIS and answer your questions.

We request that comments on the DEIS be submitted in writing before July 3, 1996 or they can be submitted at the meetings.

If you have any questions before the meeting, or need any special accommodations for the meeting, please contact Richard Metzger or Tom Peaslee at 442-2000.

LEGEND

WATER TRANSMISSION PIPELINES

PREFERRED X-COUNTRY ROUTES

--- OFF ROAD ALIGNMENT

--- SWEETS CORNERS ROAD INTERCONNECTION (SOUTH ALIGNMENT)

--- HIGH LIFT PUMPING STATION INTERCONNECTION

NOTE: X-COUNTRY ROUTES ARE REPRESENTED HERE IN A GENERAL FORMAT AND NOT RELATIVE TO INDIVIDUAL INDIVIDUAL PROPERTIES

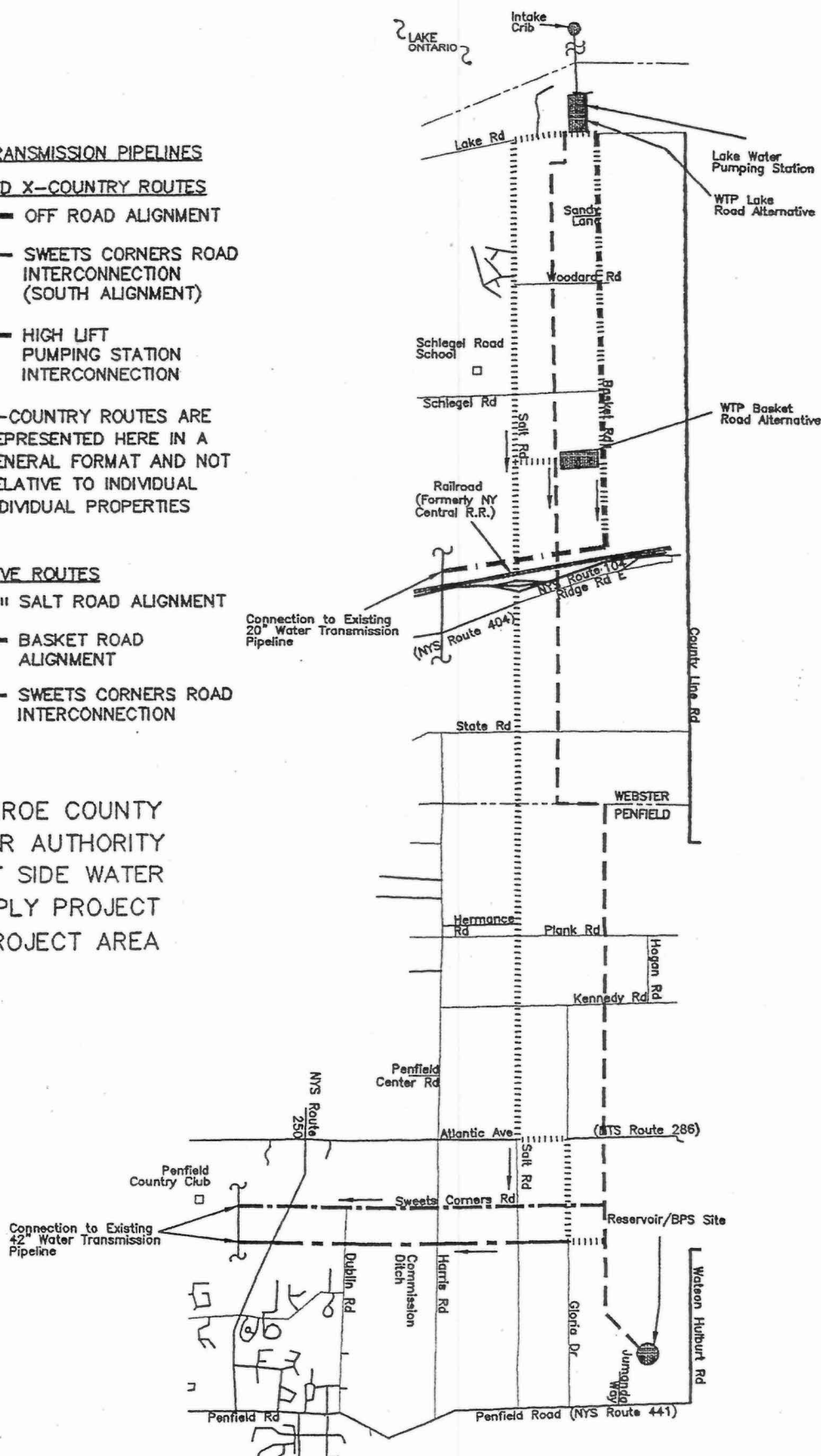
ALTERNATIVE ROUTES

--- SALT ROAD ALIGNMENT

--- BASKET ROAD ALIGNMENT

--- SWEETS CORNERS ROAD INTERCONNECTION

MONROE COUNTY WATER AUTHORITY EAST SIDE WATER SUPPLY PROJECT PROJECT AREA



RESPONSIVENESS SUMMARY

for the

Monroe County Water Authority
East Side Water Supply Project

Involved Agency
New York State Department
of Environmental Conservation
6274 E. Avon-Lima Road
Avon, New York 14414

Lead Agency
Monroe County Water Authority
475 Norris Drive
Rochester, New York 14610

Contact:
John L. Cole
Deputy Regional Permit Administrator
NYS DEC
6274 E. Avon-Lima Road
Avon, NY 14414
Phone: (585) 226-5395
Fax: (585) 226-2830
E-mail: jcole@gw.dec.state.ny.us

July 7, 2008



New York State Department of Environmental Conservation
Division of Environmental Permits, Region 8
6274 East Avon-Lima Road, Avon, New York 14414-9519
Phone: (585) 226-5400 • FAX: (585) 226-2850
Website: www.dec.state.ny.us



Alexander B. Grannis
Commissioner

July 7, 2008

Dear Comment Provider:

As you recall, the Department conducted a Legislative Public Hearing in November of 2006 to receive spoken and written comments on the Monroe County Water Authority's (MCWA) proposed East Side Water Supply Project. This Responsiveness Summary (the Summary) has been prepared to provide a response to all those individuals who participated in the Hearing and/or submitted comments during the Notice of Complete Application review period, which was held between May 31, 2006 and June 29, 2006.

While not specifically required by regulation, the Summary is being provided because the Department, as well as the MCWA, acknowledge the significant degree of public interest and concern associated with this application review, and find that a written response to the most relevant and most often expressed comments is both warranted and justified.

The Summary has been prepared as a joint effort by Department staff and the MCWA. Please note that all documents and supporting materials referenced in the Summary are available for review, by appointment, at the NYS DEC Region 8 office, 6274 East Avon-Lima Road, Avon, NY 14414, (585) 226-5395, or at the MCWA, 475 Norris Drive, Rochester, NY 14610 (585) 442-2000].

As an Involved Agency, DEC has concluded that the environmental impacts relevant to the Department's jurisdiction have been accurately identified, satisfactorily addressed, and that the project has been designed, and where appropriate and necessary, revised, to avoid, minimize or mitigate to the maximum extent practicable, adverse environmental impacts. After an extended and thorough review, the Department has made the determination that there are no significant issues remaining which would preclude approval of the DEC permits being requested by the MCWA.

Accordingly, the draft permits have been finalized and issued, and will be released simultaneously with the Department's Statement of Findings for the East Side project. Please feel free to contact me if there are any questions regarding this letter or the Responsiveness Summary.

John L. Cole
Deputy Regional Permit Administrator
Division of Environmental Permits

**COMMENT CATEGORIES TAKEN FROM THE COMPLETE APPLICATION REVIEW
PERIOD, MAY 31, 2006 - JUNE 29, 2006 AND THE NOVEMBER 30, 2006 PUBLIC
HEARING FOR THE MCWA - EAST SIDE WATER SUPPLY PROJECT.**

- 1) The new Water Treatment Plant is not needed now given current trends of water consumption and declining population.
- 2) The need for the project has not been demonstrated. MCWA should not be building the project.
- 3) Alternative sources should be considered. Upland sources would have a lower energy impact.
- 4) The plant will create sprawl.
- 5) The project will promote out-of-Monroe County growth and drain Monroe County economic resources.
- 6) The backwash water and process residuals should be treated before returned to Lake Ontario (as the city does at Hemlock Lake).
- 7) Why is stormwater included in the discharge?
- 8) Why is there a temporary stormwater outfall?
- 9) There should be no wetland impacts.
- 10) Stream crossings need a definitive plan.
- 11) The project does not conform to the Waterfront Revitalization and Coastal Resources Act.
- 12) A comment in this category expresses support for the East Side Water Supply Project and/or supports a comprehensive public review, or offers an opinion on the East Side project. Comments in this category do not require a specific response.

EAST SIDE WATER SUPPLY PROJECT RESPONSIVENESS SUMMARY

Name	Response Category	Name	Response Category	Name	Response Category
Harold Bauer PhD	3	Ann W. Jones	1, 4, 11	Hon. Carla M. Palumbo	12
Nancy Bauman	12	John Keevert	3, 4	Sandra Parker	1, 2
Ron Behan	12	Michael Kopick	1, 2, 5	Peter M Pelychaty	4
Steve Bowman	12	Mark Kosinski	3, 12	John Perrone	12
Michael Brisson	12	Joyce W. Lehmann	3	Elizabeth Pixley	1, 2, 3, 4
Paloma A. Capanna	4, 7	Jason Leisten Katherine Crandall	9, 10	Sara Rubin	2
Paul R. Chatfield P.E.	12	Stephen Lewandowski	4	Tom Ryther	1,2,4,6,7,8,9,10,11
John D. Climer	12	Peter Livingston	1, 2	Robert M Seebold	12
Peter Consitt	8	Evan Lowenstein	4, 12	Jacob Scherer	12
Peter Debes	4	Janet MacLeod	1, 4, 5	Christine Sevilla	4
Mayor Robert J. Duffy	1, 2	Exe. Dir. Edward Marianetti	12	Klaus E. T. Siebert	12
Director Joan H. Ellison	12	James Mathers	1	Adam P Smith	1
Jeffrey E. Farkas	1	William Mayer	2, 12	Susan & Michael Stinson	1, 2, 3
Graham Fennie	12	Muffy Meisenzahl	12	Peter Stoller	12
Douglas Flood	12	Suku Menon	1, 2, 4	Joe and Gail Stone	1,2,9,10,11
John Frazer	12	Marcus Miller	1, 3, 4	Gary Tajkowski	12
Hon. Paul E. Haney	1, 2, 4, 5	Hugh Mitchell	1, 4, 3, 6	Nancy Chulker-Tennant	3
Katherine Harrison	2	Mike Murdoch Meredith Graham	2, 4	Thomas A Tette	12
Mary Lou Hetzke	12	Lois Musclow	12	Garrett Traver	4
Commissioner Paul Holahan	3	Steve Osband	12	Mark Wheeler	12

Responsiveness Summary
Eastside Water Supply Project

During the public comment periods for the East Side project which were associated with the Complete Application Review (May 31, 2006 – June 29, 2006) and the NYS DEC November 30, 2006 Legislative Public Hearing, both written and spoken comments were received by the Department. Following are the responses to those comments.

Comment:

- 1) *The new Water Treatment Plant is not needed now given current trends of water consumption and declining population.*

Response:

- A. Demand is but one of several reasons cited by MCWA for construction of the project at this time.

The need for the Project is supported by several considerations; its timing considers multiple drivers. The public necessity for the Project can be justified by any one of the following public purposes:

- Homeland Security & Reduced Vulnerability
- Improved System Reliability
- Infrastructure Replacement Needs
- Meeting the Long-term Supply Capacity Needs of the Region
- Energy Efficiency and Cost Savings
- Ability to meet Future Water Quality Challenges
- Local Economic Development

The project benefits both the public located within the Water Authority's service area and water purveyors and their citizens neighboring the MCWA service area.

MCWA's objectives are identified in the applications submitted to the Department and presented in the SEQRA process scoping sessions and hearings. Additionally, MCWA has presented these governing objectives in multiple public information meetings and information bulletins.

The strategic planning efforts for this source of supply have occurred over a period of time exceeding 40 years. The planning efforts have included many adjustments and refinements, incorporating contemporary data and information.

- B. Water Demands which MCWA must meet are increasing, not decreasing
MCWA conducts updates of its demand projections on a routine basis. As stated during the coordinated SEQR process, in the permit application, and at the hearing, population projections serve as a backdrop to water demand projections.

The population served by the MCWA public water supply system (which differs significantly from the population of Monroe County) has grown and there is reasonable anticipation that the population served will continue to grow, despite stagnant population statistics for Monroe County.

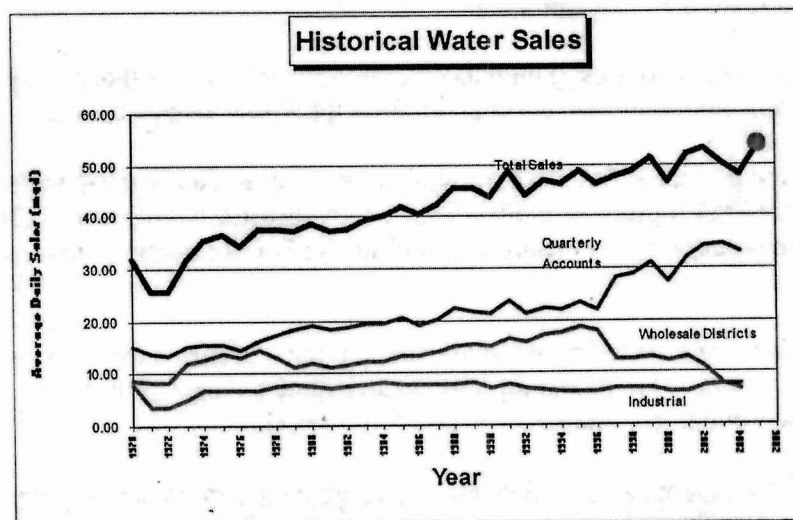
The population served by MCWA has grown, and continues to grow, generally because:

- new water districts are formed (converting homes from existing wells to public water supply),
- new homes are constructed, and
- areas served by a water source that has become non-viable converts to MCWA for its source of supply.

Today, MCWA serves areas of six counties and more than twice the number of cities, towns and villages than it did just 20 years ago.

The number of customers served by MCWA has grown consistently. Much of this growth has occurred due to the fact that many other water treatment plants in the region have become non-viable due to their inability to meet ever increasing water quality regulations and/or the need for extensive investment needed to simply maintain the plant's infrastructure. The reduction in the available production capacity in the area is well documented and has been made a part of the record for these permit applications.

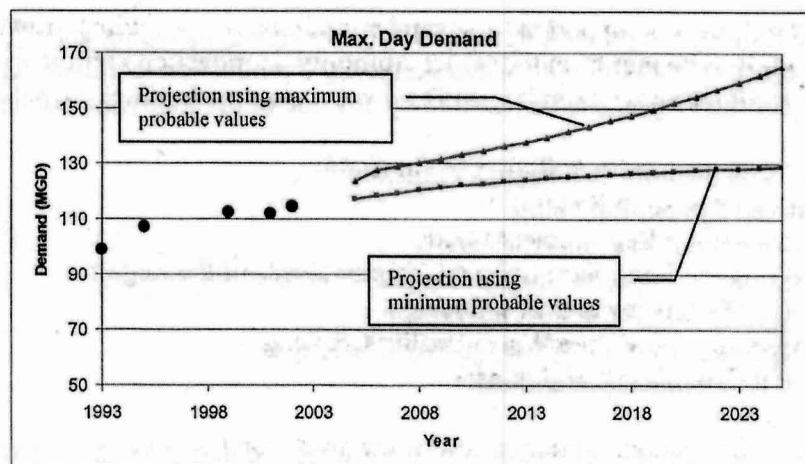
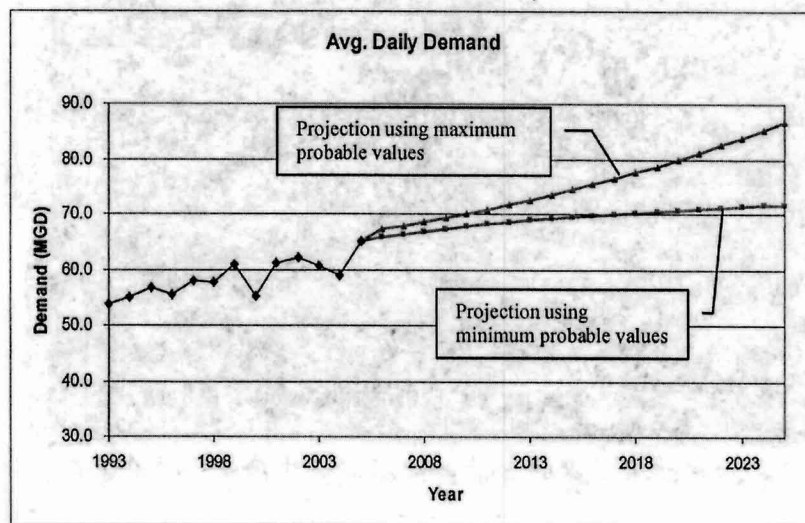
As shown below, the growth in sales can be characterized as long, consistent and positive. While the available public water supply production capacity in the region has diminished, the demand for water has increased.



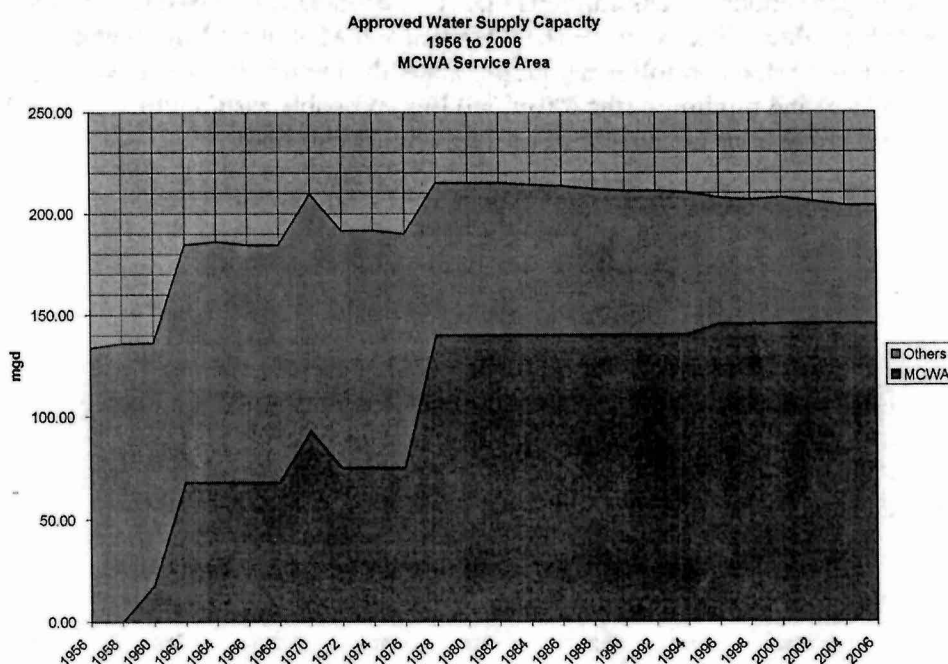
The projection of future demands, summarized in the graphs below, includes the analysis of:

- Number of residential accounts served, both retail and wholesale
- Trends in per account consumption
- Industrial and agricultural demands; accounts and consumption patterns
- Unbilled uses (fire fighting, flushing, tank maintenance, main breaks)
- Peaking factors
- Trends impacting the long-term viability of adjacent production facilities

Inherent in all projections are assumptions that can be bracketed between highest and lowest probable values. The Average Day Demand and Maximum Day Demand projections shown in the two following graphs show the impact of using maximum (the upper, green line) and minimum (the lower, red line) probable assumptions; in effect the future demand projections are the envelope between the two lines.



Since the Water Authority was formed in 1951, the approved water supply capacity in the region presently served by MCWA grew to a maximum of 218 mgd in 1977. Since 1976, seventeen WTP's in our region have been decommissioned because of obsolescence, resulting in a reduction of 56.1 mgd of total plant capacity (the net reduction is 16.1 mgd after MCWA's last plant expansion of the Shoremont Plant in 1980). An additional reduction of 1.1 mgd of capacity in Livingston County has been added to the Hemlock service area (one-third of which must first be wheeled through the MCWA transmission network).



The need for the Project is supported by several considerations; including growth in water supply needs to be met from the Water Authority's production facilities. The public necessity for the Project can be justified by any one of the following public purposes:

- Homeland Security & Reduced Vulnerability
- Improved System Reliability
- Infrastructure Replacement Needs
- Meeting the Long-term Supply Capacity Needs of the Region
- Energy Efficiency and Cost Savings
- Ability to meet Future Water Quality Challenges
- Local Economic Development

Notwithstanding this response, after review of the graphs and data presented above, it is the Department's judgement that the public necessity for the Project cannot support the need for MCWA to increase its total withdrawal of water from Lake Ontario by the

maximum amount requested in the current application. Accordingly, the draft Water Supply permit, which was available for review at the DEC Legislative Public Hearing on November 30, 2006, is being modified to approve only a 10 MGD increase in the MCWA approved water withdrawals from Lake Ontario, which would then allow the MCWA to withdraw a total of up to 155 MGD from Lake Ontario. The MCWA's current water supply allocation from Lake Ontario is 145 MGD, which is a total amount approved in two previous water supply decisions: a withdrawal of up to 140 MGD by the MCWA's Shoremont Plant (WSA 6855) and a withdrawal of up to 5 MGD from the Brockport Water Treatment Plant (WSA 9467). WSA 9467 transferred the Village of Brockport's Water Treatment Plant to MCWA control and the plant is currently inactive. With the issuance of the instant water supply permit (WSA 10853), MCWA will have the approval to have a combined Lake Ontario water withdrawal which does not exceed a total of 155 MGD from the intakes of the three Water Treatment Plants (Shoremont, Eastside, and Brockport). This decision does not limit or preclude MCWA's right to submit any future Water Supply applications for an increase in its permitted withdrawal, in the event circumstances are clear and convincing that an increased take is justified.

Comment:

2) *The need for the project has not been demonstrated. MCWA should not be building the project.*

Response:

As noted in response No. 1, above, growing demand is just one of the public purposes of this Project. The other needs addressed by the project are described below:

a) Security, Reliability and Redundancy

Over time, the Shoremont WTP located in Greece, NY (initially a 32 mgd plant, expanded three times to its present 140 mgd capacity) has become the primary source of supply for the region. While having adequate reliability and redundancy to cope with natural disasters or mechanical failures has long been a strong suit of MCWA, and the water supply industry in general; in these post-9/11 times, vulnerability assessments have greatly expanded in scope. With the construction of the East Side WTP, the combined capacity of the Shoremont and East Side WTP's plus the City's Hemlock WTP, the ability to transmit those supply sources to virtually every location in the region will be provided for in the event any one of the plants were incapacitated.

b) Optimized Infrastructure Replacements

MCWA's mission is to "provide life's most precious resource, high quality, safe and reliable water, in a financially responsible manner." The need to maintain the integrity of the transmission system drives many of the Water Authority's capital improvement programs. The MCWA oversees many miles of transmission main installed over 100 year's ago that the Water Authority must plan to replace in the coming years. For example, just the replacement of the 20-

inch diameter main from Charlotte to Pittsford is \$38,544,000. The 1920 vintage 20" main in Irondequoit has an estimated project cost of \$12,700,000. These replacement costs can be significantly reduced, deferred and, in some cases eliminated all together with the completion of the Project.

c) Service Area Demands

See Response No 1, above.

As the existing supplies are at or near their capacity limits, implementation of the Project will address the infrastructure capacity limitations of the region for quite some time, thus assuring that we have an economical means of meeting the current and future water supply needs of the region.

d) Energy Efficiency

Inherent in the design concept is operational changes in how water must be pumped across the transmission system. By producing the water on the eastside of the service area, closer to its point of use, over one megawatt of power will be saved in the electric demand for pumping. The Project will provide for an energy efficient means to meet the water supply demands of the region. New York State Energy Research & Development Authority (NYSERDA) has independently analyzed the Project and potential energy efficiency measures. In April 2007 MCWA accepted a grant offer from NYSERDA for approximately \$200,000 to implement proposed high-efficiency conservation measures under its EnergySMART program.

MCWA has on file with DEC an approved water conservation plan, which has energy related effects. A copy has been provided to the DEC. Nearly 20 years ago, MCWA was one of the first upstate water purveyors to adopt a Water Conservation Plan. The MCWA plan has been used as a model program, "copied" by many other water suppliers across New York State. The updated Water Conservation Plan details the conservation measures MCWA employs. Its historic and anticipated impacts are also reflected in the demand projections used.

e) Future Water Quality Challenges

The Project provides for state-of-the-art treatment applicable to this source of supply, plus the ability to add additional pre- or post-treatment to meet new water quality challenges and regulations in an economical fashion. Typical of a national trend, with the significant number of new and more stringent water quality and other environmental regulations, plus the need to maintain aging plants needing significant reinvestment, numerous production sources became economically non-viable over time. Ultimately, their owners turned to the Water Authority to obtain their source of supply, where economies of scale could be achieved. As noted above, since 1976, seventeen WTP's in our region have been decommissioned because of obsolescence. Consistent with the State's objectives

of promoting regional suppliers (ref: Genesee Sub-State Region Water Resource Management Strategy Report, DEC, June 1987), the Water Authority has expanded its service area to meet the public water supply needs of many of these communities.

There exist today many WTP's in the service areas near MCWA's that will face the same water quality issues (as well as infrastructure renewal and replacement costs) that may make them non-viable in the future.

f) Economic Development

The Center for Governmental Research, Inc. studied the economic impact of the project and concluded that the expenditure of \$135 million for the Project's construction will generate a one-time increase in output of about \$155 million, supporting a workforce payroll of over \$70 million. Total employment of around 1,700 "person-year-jobs" would likely be stimulated by the project, both on-site and off-site.

All of these public purposes, and MCWA's Project to address them, are consistent with Water Resources Management Strategy. The Water Resources Management Strategy Act of 1984 amended Chapter 15 of the New York State Environmental Conservation Law (ECL) by directing the Department of Environmental Conservation ("DEC"), with the participation of the Department of Health ("DOH"), to develop a statewide strategy to provide a basis for better state and local water supply management. To develop a statewide strategy for water supply, thirteen substate regions were established and detailed water supply studies prepared for each of the thirteen regions in 1985 and 1986. These detailed water supply studies included a review of the particular regions economic history and population trends (as background for looking at present and future water demands). In addition, analysis of the capacity and condition of existing sources and facilities in municipal water supply was made, and findings and conclusions were developed as to water quality and quantity, water supply system improvement and management, and small systems.

Based on each substate regional study, a regional strategy was developed, which in the case of the Genesee Region (including Monroe, Livingston, Wayne and Ontario Counties) resulted in the Genesee Substrategy, and in the Erie-Niagara Region (including Erie, Genesee, Niagara, Orleans and Wyoming Counties) resulted in the Erie Substrategy, which details recommendations for actions to improve appropriate service standards of water supply quantity, quality and delivery.

The State has embarked upon a program to plan 50 years ahead with respect to water supply production and transmission and distribution, and in that context, the council adopted the following objectives for each substate region:

1. to assure a safe, adequate and aesthetically pleasing supply of water for drinking and other residential uses;

2. to assure the availability and delivery of a supply of water in a volume and manner necessary for commercial, industrial, agricultural, institutional and environmental purposes;
3. to conserve the water resources of the region by obtaining acceptable use and cost efficiency in the operation of current and future water supply systems;
4. to protect and preserve water supply sources, including the watershed, for current and future water needs;
5. to improve the capability of municipal water systems to meet emergencies and future water requirements, which may include efforts toward appropriate interconnections and improving the balance between supply and demand;
6. to make optimum use of water systems' financial capacity (including, where appropriate, local governments financial capabilities) to operate, maintain, repair, and improve water supply sources and facilities as needed;
7. to establish procedures for collecting data necessary to identify needed improvements in the planning, management and operation of water supplies and water supply systems; and
8. to encourage and recommend, where appropriate, the development, restoration, conjunctive management, interconnection and/or expansion of water supply sources or systems on a regional basis.

The Genesee Substrategy and the Erie Substrategy include a number of recommendations and findings, which support a finding of justification by public necessity for the Project. The strategy states that the MCWA excess capacity could be made available to systems that now have or are projected to have deficits. Specific system connections and interconnections are recommended to improve system capability and emergency service. An expanded service area of the MCWA system should solve source quality and quantity problems of many small water systems.

Comment:

- 3) *Alternative sources should be considered. Upland sources would have a lower energy impact.*

Response:

The Water Authority has considered other sources of water supply that are or could become available. These included: Albion, Brockport, Ontario, Williamson, Sodus, Kodak Industrial, Canandaigua and the City of Rochester's plants. The details of the analysis of alternative sources provided to the Department follows.

Albion

- Rated capacity is 4 mgd, current maximum day demand is between 2.5 and 3 mgd and average demand is about 1.7 mgd. Thus, potential available peak production capacity would be limited to 1 mgd and emergency supply capacity could be

approximately 2 mgd (only about 4% of that needed). This small amount of available capacity does not meet the projected demands and emergency requirements of the project.

- This plant is located west of the MCWA service area and provides minimal potential for addressing the vulnerability and reliability issues facing MCWA. Most of these issues would not be addressed at all and its implementation would create additional new issues.
- There is presently no excess transmission capacity available that would connect the supply to MCWA, hence significant amounts of new transmission mains, new pumping stations and existing pumping station expansions would need to be constructed to take advantage of this production source.
- This plant's intake is in Lake Ontario, thus it does not provide an alternative source of supply, it merely moves the point of withdraw west of the proposed location. As this intake is shallower than the proposed project, increased natural resource impacts could occur and lower raw water quality, and the adverse treatment issues associated therewith, would be expected.
- Instead of reducing electrical demands, using this source would require significant additional energy to deliver it to the point of use, and hence the negative environmental impacts associated therewith.

Brockport

- The plant is non-viable in its present condition and has been mothballed. Significant expenditure would be necessary to place the plant back in active service, which is not prudent at the current time. At some time in the future, this plant may be returned to active service.
- This plant's location is in MCWA's western service area, and it provides minimal potential for addressing the vulnerability and reliability issues facing MCWA.
- Like Albion, this plant's intake is in Lake Ontario, thus it does not provide an alternative source of supply, it merely moves the point of withdraw west of the proposed location. As this intake is shallower than the proposed project, increased natural resource impacts could occur and lower raw water quality, and the adverse treatment issues associated therewith, were clearly evident during the last decade of its operation.
- Instead of reducing electrical demands, using this source would require significant additional energy to deliver it to the point of use, and hence the negative environmental impacts associated therewith.

Ontario

- Rated capacity is 3.5 mgd, current maximum day demand is 3.2 mgd and average demand is 2.1 mgd. Thus, potential available peak production capacity would be less than 0.5 mgd and emergency supply capacity could be approximately 1.5 mgd (only about 3% of that needed). This small amount of available capacity does not meet the projected demands and emergency requirements of the project.
- MCWA and the Town already have an exchange agreement.
- This plant's intake is in Lake Ontario, thus it does not provide an alternative source of supply, it merely moves the point of withdraw east of the proposed location.
- Electrical demands, using this source, would be slightly greater to deliver it to the point of use, and hence the negative environmental impacts associated therewith.

Williamson

- Rated capacity is 2.8, current maximum day demand is 2.4 mgd and average demand is 1.6 mgd. Thus, potential available peak production capacity would be less than 0.5 mgd and emergency supply capacity could be approximately 1 mgd (only about 2% of that needed). This small amount of available capacity does not meet the projected demands and emergency requirements of the project.
- There is presently no excess transmission capacity available that would connect the supply to MCWA, hence significant amounts of new transmission mains, new pumping stations and existing pumping station expansions would need to be constructed to take advantage of this production source.
- This plant's intake is in Lake Ontario, thus it does not provide alternative source of supply, it merely moves the point of withdraw east of the proposed location. As this intake is shallower than the proposed project, increased natural resource impacts could occur and lower raw water quality, and the adverse treatment issues associated therewith, would be expected.
- Instead of reducing electrical demands, using this source would require significant additional energy to deliver it to the point of use, and hence the negative environmental impacts associated therewith.

Sodus

- Rated capacity is 1.5 mgd (or 2 depending on reference), current maximum day demand is over 1 mgd and average demand is around 1 mgd. Thus, potential available peak production capacity would be less than 0.5 mgd and emergency supply capacity could be less than 0.5 (about 1% of that needed). This small amount of available capacity does not meet the projected demands and emergency requirements of the project.

- There is presently no excess transmission capacity available that would connect the supply to MCWA, hence significant amounts of new transmission mains, new pumping stations and existing pumping station expansions would need to be constructed to take advantage of this production source.
- This plant's intake is in Lake Ontario, thus it does not provide an alternative source of supply, it merely moves the point of withdraw east of the proposed location. As this intake is shallower than the proposed project, increased natural resource impacts could occur.
- Instead of reducing electrical demands, using this source would require significant energy to deliver it to the point of use, and hence the negative environmental impacts associated therewith.

Canandaigua

- This plant's intake is in Canandaigua Lake. After a pending permit decision is made, issuance of a Canandaigua Water Supply Permit would authorize an average 6 MGD and 9MGD maximum allocation from Canandaigua Lake. The projected 2030 average demand is 4.69 MGD and maximum is 8.20 MGD. Based on current demand and allocation there is not sufficient surplus from Canandaigua Lake to provide an alternative supply.

Kodak Industrial Water Plant

- Kodak is a 36 MGD non-community, non-transient public water supply regulated by the NYS Health Department under Public Water Supply # 2730003. Average demand is 16 MGD. Kodak does not use the water produced by this plant for human consumption.
- New process equipment would be necessary to produce water of an equivalent quality to that of the proposal. The additional carbon adsorption treatment could be done in a new treatment plant downstream of the Kodak take-off, or an alternative treatment process developed (all known alternative processes are more expensive than that which is proposed).
- Significant amounts of new transmission mains, new pumping stations and existing pumping station expansions would need to be constructed to take advantage of this production source if it was upgraded for municipal use. If the transmission was sized to provide the project requirements, the transmission work alone would cost nearly \$100 million. Upgrades to the treatment plant necessary for conversion to public drinking water use would be in addition to that.
- Instead of reducing electrical demands, using this source would require significant energy to deliver it to the point of use, and hence the negative environmental impacts associated therewith.

Rochester Upland Supply

The plant's intake is the Hemlock/Canadice watershed upland supply. WSA 1609 allocates 37 MGD from the Hemlock/Canadice upland watershed supply to the City of Rochester. The reported maximum daily and annual average take is the actual net volume of water withdrawn from Hemlock Lake. 1 MGD of decant water is returned to Hemlock Lake under a SPDES permit. The City has entered into long term supply contracts for Uplands water with ten entities in Livingston and Ontario Counties, with contractual commitments extending well beyond 2008 totaling 5.401 MGD. Based on current demand and allocation, the City's Upland source does not have sufficient capacity to provide an adequate, reliable alternative supply.

Comment:

4) *The plant will create sprawl.*

Response:

In New York State the development of new residential, commercial and industrial uses is governed and controlled by town governments through local planning and zoning laws and regulations. Municipal land use controls, which govern the type and location of development, will remain the primary means by which communities manage sustainable growth. The Department supports and encourages local planning and land use decision makers to consider and incorporate smart growth principles in land use planning and development decisions.

Comment:

5) *The project will promote out-of-Monroe County growth and drain Monroe County's economic resources.*

Response:

The Water Authority was established by and exists under Title 5 of Article 5 of the New York State Public Authorities Law, originally enacted as Chapter 805 of the Laws of 1950, as amended. This law has provided that the Water Authority can supply the public water needs in areas outside of Monroe County since the 1970's. The Water Authority's method for the creation and operation of an integrated metropolitan/regional water system utilizes, by contract, the integration of the water facilities into a single system for the benefit of all served. While the Water Authority's purpose is clearly not to serve Monroe County purposes to the detriment of surrounding areas, customers inside Monroe County have benefitted from the customer base that exists outside of Monroe County.

The development of the Water Authority's system, including treatment and production facilities, as well as transmission, storage and distribution facilities and systems, is the subject of the Water Supply Applications and Permits shown in prior applications. Reference is made to all previous applications to, and decisions and permits of, the DEC and its predecessors affecting the Water Authority, and in which the Water Authority system and the area in which the Water Authority is permitted to supply water.

Comment:

6) *The backwash water and process residuals should be treated before being returned to Lake Ontario (as the City does at Hemlock Lake).*

Response:

As documented in the SPDES application, the backwash return water will be treated prior to return to the lake. Backwash water is generated when the flow direction in the plant's filters is periodically reversed, removing the silt, algae and bacteria that the filters remove from the water obtained from the lake. This backwash water is settled and the clear supernatant returns to the lake. The discharge water will be analyzed and monitored for pH, flow, total suspended and settleable solids, total residual chlorine and total mg/l for aluminum, copper and lead, and will be discharged to Lake Ontario via the proposed outfall in compliance with the SPDES permit. The solids that settle out (residuals) will be treated by a natural freeze/dry process. The process design is essentially the same as the Water Authority currently employs at the Shoremont plant in Greece and the City uses at its treatment plant at Hemlock Lake.

Comment:

7) *Why is stormwater included in the discharge?*

Response:

Stormwater, generated by rainfall on the site, will be treated and flow controlled in the stormwater management facilities before discharging into the outfall line, as detailed in the SPDES application. Stormwater drainage will ultimately be returned to the lake regardless of whether or not it is piped in the outfall. Using the outfall, rather than surface discharge, is a superior means of accomplishing this.

Comment:

8) *Why is there a temporary stormwater outfall?*

Response:

The temporary outfall will be used during the period of time starting with the Lakewater Pump Station's stormwater management facility's detention pond construction until the final outfall (located within the tunnel) can be placed in service. The outfall will consist of a 12" dia. pipeline placed on the ground surface across the Coastal Erosion Hazard Area located on a 100 ft. wide parcel of MCWA property in the Town of Webster, north of Lake Rd., and will discharge onto an existing large stone rip-rap revetment. All work intended for the hazard area will require a DEC Coastal Erosion Management permit, and must be done in accordance with Coastal Management regulations in 6 NYCRR Part 505.

Comment:

9) *There should be no wetlands impacts.*

Response:

Mitigation measures were detailed in the Project's Environmental Impact Statement. The Department's weighing standards for permit issuance for the wetlands being crossed state that, "A permit shall be issued only if it is determined that the proposed activity satisfies a pressing economic or social need that clearly outweighs the loss of, or detriment to, the benefit(s) of the Class II wetland." The Water Authority, as SEQRA Lead Agency and a public entity in its own right, must balance the environmental issues with social, engineering and economic considerations. In consultation and negotiation with DEC Bureau of Habitat Staff, MCWA has designed the Project, and revised construction activities where necessary, so as to minimize wetland and adjacent area encroachments and disturbance to the extent practicable. The site layouts and pipeline alignments identified in the SEQR and permitting processes are based on a balance of these issues. It is highly unlikely that significant maintenance activities for large diameter pipelines, such as this project includes, will be required within the wetlands after its installation. The Water Authority does not need regular access to the pipeline. The Water Authority has agreed to mitigate unavoidable impacts by replanting documented native wetland species within wetlands PN-16 and PN-20. In the unlikely event that a repair event is necessary within a regulated area in the future, the Water Authority will apply for and obtain all required wetland permits and restore any disturbed area(s) as may be specified in the permits.

In addition to the mitigation items contained in the Environmental Impact Statement and Findings Statement, the Water Authority will:

- Prepare a planting and restoration plan for review and approval by the Department.
- Implement a wetland monitoring plan developed in consultation with the Department.

With the commitment to inventory, replant, monitor and restore existing, native wetland species within the limits of the initial construction and future repairs along wetlands PN-16 and PN-20 provides the best balance of environmental issues with social, engineering and economic considerations for this project.

Comment:

10) *Stream Crossings need a definitive plan.*

Response:

The proposed methods for crossing the streams were described in the Environmental Impact Statement and are detailed in the Joint Application for Permit. Potential impacts from stream bed disruption, downstream siltation, stream bank erosion and temporary displacement of aquatic flora and fauna will be minimized, and mitigation measures and site restoration to pre-construction conditions will be done as soon as possible after work is completed.

Final construction drawings will detail the stream crossing requirements consistent with the conditions enumerated in the Protection of Waters / Stream Disturbance permit.

Comment:

11) The project does not conform to the Waterfront Revitalization and Coastal Resources Act.

Response:

MCWA completed a consistency review with the NYS Department of State (DOS). DOS concluded, in correspondence dated September 21, 2005, that the proposal "meets the Department's general consistency concurrence criteria." DOS also noted that "further review of the proposed activity by the Department of State, and the Department's concurrence with an individual consistency certification, are not required." DEC staff have made the finding that the Project is compliant with the applicable policies of Department of State's Article 42 of the NYS Executive Law (Waterfront Revitalization of Coastal Areas and Inland Waterways), as required by 6 NYCRR Part 617.11(d)(5). In addition, the Town of Webster has certified, in correspondence dated February 20, 2008, that the activities proposed under the draft Coastal Erosion Management permit are consistent to the maximum extent practicable with the policies of the approved Town of Webster Local Waterfront Revitalization Program.

FINDINGS STATEMENT

for the

Monroe County Water Authority
East Side Water Supply Project

Involved Agency

New York State Department
of Environmental Conservation
6274 E. Avon-Lima Road,
Avon, New York 14414

Lead Agency

Monroe County Water Authority
475 Norris Drive
Rochester, New York 14610

Contact:

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July 7, 2008



New York State Department of Environmental Conservation

**State Environmental Quality Review
FINDINGS STATEMENT**

Pursuant to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law and 6 NYCRR Part 617, the **NYS Department of Environmental Conservation as an Involved Agency**, makes the following findings.

Name of Action: Monroe County Water Authority - East Side Water Supply Project
DEC 8-2699-00097/00001

Lead Agency: Monroe County Water Authority (MCWA)

Description of Action: The applicant proposes to construct and operate a new potable water supply system on the east side of Monroe County (the Project). The Project will be located in the Towns of Webster and Penfield and will be comprised of the following facilities:

- a lake water intake system
- a raw lake water transmission system
- a water treatment system
- a finished potable water transmission system

The purpose of the Project is to provide a new drinking water supply system to supplement the applicant's existing production, transmission and distribution system. The new supply facilities will be developed in stages with an intended initial supply capacity of 50 million gallons per day (mgd).

Agency Jurisdiction(s):

Pursuant to the Environmental Conservation Law (ECL), the Department has permit jurisdiction in the following regulatory programs:

- ECL Article 15, Part 601 - Potable Water Supply
- ECL Article 17, Part 750-758 - State Pollutant Discharge Elimination System (SPDES)
- ECL Article 24, Part 663 - Freshwater Wetlands
- ECL Article 15, Part 608 - Use and Protection of Waters

- ECL Article 15, Part 608 - Water Quality Certification
- ECL Article 34, Part 505 - Coastal Erosion Management

Location: The project is located in the Towns of Penfield and Webster and extends from the Lake Ontario shoreline North of Lake Road, South on Basket Road, then West to Salt Road, South to Sweets Corner Road, then West to the existing MCWA District Connection.

Date Final EIS Filed: 12 November 1996

Facts and Conclusions in the FEIS Relied Upon to Support the Decision:

The Department has reviewed and evaluated the Draft and Final Environmental Impact Statements, all supplemental reports and plans included with those documents, comments received during the complete application review and the transcripts and written comments received during the NYS DEC Legislative Public Hearing. The following documents have been principally relied upon in reaching the Department's determinations and findings as required by ECL Article 8-0109 and 6 NYCRR Part 617.11:

- Draft Environmental Impact Statement - East Side Water Supply Project, April 1996
- East Side Water Supply Project - Final Environmental Impact Statement, November 1996
- Monroe County Water Authority - Findings Statement, December 1996
- SPDES Permit Application for the East Side Water Supply Project, June 2005
- Joint Application for Permit for the East Side Water Supply Project, June 2005
- Water Supply Application for the East Side Water Supply Project, October 2005
- Summary of Justifications-Monroe County Water Authority: East Side Water Supply Project, July 2007
- Responsiveness Summary for the Monroe County Water Authority East Side Water Supply Project, June 2008

As an Involved Agency, the NYS DEC has concluded that the Project has been designed, and where necessary, revised, to avoid, minimize or mitigate to the maximum extent practicable, adverse environmental impacts. After review, the Department has made the determination that there are no significant adverse impacts remaining which would preclude issuance of the requested permits.

[Note: All documents and application materials referenced herein are available for review, by appointment, at the NYS DEC Region 8 office, 6274 East Avon-Lima Road, Avon, NY 14414 (585) 226-5395, or at the MCWA, 475 Norris Drive, Rochester, NY 14610 (585) 442-2000]

Facts and Conclusions in the FEIS Relied Upon to Support the Decision (continued):

Environmental impacts relevant to the Department's jurisdiction have been satisfactorily addressed as follows:

ISSUE / PERMIT JURISDICTION: Public Water Supply

Discussion: With respect to the Potable Water Supply application [DEC# 8-2699-00097/2 & Water Supply Application No 10,853], the MCWA has made application to construct and operate a new East Side Water Treatment Plant (WTP), designed to withdraw an average of 35 million gallons per day (mgd), up to a maximum of 50 mgd from Lake Ontario. The Project is intended to provide for an increase in the capacity, reliability and security of the Authority's existing water supply treatment, transmission and distribution system. This Water Supply permit will authorize the following additions to MCWA's existing water supply system: the construction of an additional Lake Ontario raw water intake structure; raw lake water transmission system; the Eastside WTP, with an initial design capacity of up to 50 mgd, and a finished potable water transmission system. The Water Supply permit will also authorize the MCWA to withdraw a combined maximum of 155 mgd from the existing Shoremont WTP (WSA 6855), the inactive Brockport WTP (WSA 9467), and the new East Side WTP (WSA 10853). The 155 mgd maximum withdrawal from Lake Ontario represents a 10 mgd increase in the currently permitted maximum withdrawal of 145 mgd, which is comprised of the 5 mgd allocated to the Brockport WTP, and the 140 mgd allocation drawn by the Authority's Shoremont facility. The Department staff's decision on the authorizations granted in the Water Supply Permit is supported by information provided by MCWA in its *Summary of Justifications* document (the *Summary*), and by additional information provided by the Authority during discussions with Department staff. The *Summary* was required to justify that the proposed project will meet each of eight statutory requirements for issuance of a water supply permit (identified as A through H in the *Summary*). Regarding the public necessity for the project (Item A in the *Summary*), Department staff finds that the construction of the Eastside WTP and its related facilities can be justified on the basis of the following: system redundancy and improved system reliability, infrastructure replacement needs, energy efficiency and cost savings, homeland security and reduced vulnerability and the Authority's ability to meet future Regional water quality and quantity challenges. Information provided by MCWA during discussions with staff regarding current available supply capacity and projections for future water supply demands provided support for the Authority's position that an increase in the permitted withdrawal from Lake Ontario, not to exceed 155 mgd, would sustain projected demand within the MCWA Service Area for the near future. Nothing in this finding will limit or preclude MCWA's rights to make a future application for an increase in its permitted water withdrawal, in the event circumstances clearly and convincingly justify a take in excess of 155 mgd from the Lake Ontario source.

Facts and Conclusions in the FEIS Relied Upon to Support the Decision (continued):

Department staff's review of the Water Supply application and its supporting Justifications (Items B-H, as well as Item A), along with the *Water Supply Permit Conditions* included in the permit, has convinced staff that all applicable Public Water Supply permit issuance standards, pursuant to 6 NYCRR Part 601, have been satisfactorily addressed. A copy of the DEC Water Supply Permit is provided as Attachment 1.

After a full review, Staff are satisfied that the requirements of ECL Article 8-0109 have been met with regard to the construction and operation of the Project, and that the potential environmental impacts have been identified, properly investigated and evaluated, considered in context with other social and economic considerations and have been mitigated to the practicable extent required by SEQRA.

ISSUE / PERMIT JURISDICTION: Ground and Surface Water Resources - State Pollutant Discharge Elimination System (SPDES)

Discussion: With respect to the SPDES permit application [DEC #8-2699-00097/1 & SPDES # NY-0247367], the applicant proposes a new, two outfall combined discharge of approximately 1.3 mgd of filter backwash and water treatment wastewater, along with collected storm water flows to Lake Ontario, a Class A waterbody. The discharge will be generated primarily from the proposed Lake Water Pump Station (LWPS) and Water Treatment Plant (WTP). It is anticipated that construction activities at the LWPS site, and others, including tunnel excavations, will generate storm water which will be discharged to a temporary detention basin to address and manage quality and quantity issues. A discussion of the potential impacts to ground and surface water resources from Project construction activities, and measures to minimize and mitigate these impacts are found in Section 4.2 and 5.2 of the DEIS, respectively. Impacts to groundwater could potentially occur during tunnel boring for the lake water intake and outfall shafts in the unlikely event that an interconnection between the tunnel excavation and ground water would contribute inflows to the tunnel bore. Temporary and permanent tunnel lining systems along with periodic dewatering will minimize impacts from minor groundwater inflows. The possibility exists that impacts to groundwater could also result from trenching operations for the water transmission pipelines. Elevated water tables on low permeability soils (which are characteristic for the Project area) potentially make it possible for pipeline line trenching activities to intercept groundwater. Dewatering, and detention prior to discharge, will control and minimize incidental groundwater contacts.

Construction impacts on groundwater resources to the quality and quantity of domestic water well supplies are also possible. A small number of residential parcels which utilize shallow ground water wells, specifically in the vicinity of the LWPS/tunnel excavation area, and another, along the off-road alignment for the transmission pipeline in proximity to the inactive Gloria Drive

Facts and Conclusions in the FEIS Relied Upon to Support the Decision (continued):

Landfill, could potentially be affected by dewatering operations during temporary excavation activities. Issues relating to groundwater flow patterns and water well levels are impacts to be considered. Test borings, monitoring wells, and periodic residential well monitoring will serve to identify impacts to groundwater quality and quantity and allow MCWA to implement appropriate contingency measures.

Impacts to surface water resources can generally be grouped into two phases; a Project construction phase, and a second, Project operational phase. During the construction phase, potential surface water impacts from trenching, excavation, land clearing and grading, increased storm water runoff, and stream crossings, among others, will be considered. Dewatering, as needed, on-site retention and detention, preparation and implementation of a *Storm water Pollution Prevention Plan* (SWPPP), (as required by the "General Permit for Storm Water discharges from Construction Activities" GP-08-01), the use of standard construction and mitigation measures and compliance with the conditions of the SPDES permit will help to minimize or eliminate potential construction impacts to surface waters.

Potential impacts to existing local watershed and drainage patterns must also be considered during the construction phase. Surface water impacts from altered stream channel flows, embankment erosion, increased sediment loads and turbidity, alteration of flow patterns from site grading and permanent alterations of topography can be minimized utilizing standard construction and mitigation measures and compliance with the DEC Protection of Waters permit.

Surface water impacts resulting from the operational phase of the Project will be minimal and not significant. The initial filling, flushing and disinfection of potable water transmission pipelines will be a one time event, undertaken in compliance with MCWA's approved performance specifications and discharged to the municipal sanitary system. The WTP multi-media filters will be back washed as necessary and the effluent solids allowed to settle-out. The remaining clear water will be analyzed and monitored for pH, flow, total suspended and settleable solids, total residual chlorine and total mg/l for aluminum, copper and lead, and will be discharged to Lake Ontario via the proposed tunnel outfall in compliance with the SPDES permit.

After review, Staff are satisfied that the potential impacts to ground and surface waters have been identified, evaluated and mitigated to the extent that permit issuance standards for this application have been met, and that a SPDES permit, with conditions, can be issued. A copy of the SPDES permit is included as Attachment 2. The Department finds that the requirements of ECL Article 8-0109 have been met with respect to Ground and Surface Water Resources, and concurs with the finding by Lead Agency MCWA *Findings Statement - East Side Water Supply Project*, Section III-2, pg. 8.

Facts and Conclusions in the FEIS Relied Upon to Support the Decision (continued):

Mitigation:

- Process discharges from the Water Treatment Plant will be handled by a residuals/waste handling system. This system involves three steps: dechlorination (if required), equalization and a solids settling/removal deep-water lagoon.
- A Stormwater Pollution Prevention Plan (SWPPP) will be prepared in compliance with the "General Permit for Storm Water Discharges from Construction Activities" to control potential construction related impacts to surface waters. All contractors and subcontractors will be required to comply with the standard MCWA "Erosion and Sediment Control" (E&SC) measures, and be aware of the specific elements in the SWPPP that each contractor and subcontractor will be responsible for, as required by Part III, A5 of the construction general permit. Each contractor and subcontractor must sign the SWPPP certification statement as required by this section of the permit.
- Potential impacts to ground water quality and quantity can be minimized by the use of test borings, installation of monitoring wells and a program of periodic residential well monitoring.

ISSUE / PERMIT JURISDICTION: Terrestrial and Aquatic Resources - Freshwater Wetlands; Use and Protection of Waters

Discussion: With respect to the Freshwater Wetlands permit application, [DEC #8-2699-00097/13], the applicant proposes to disturb approximately 2.26 acres of regulated New York State wetland and 4.42 acres of wetland adjacent area, as needed, to construct pipeline infrastructure and surface structures associated with the Project. In consultation and negotiation with DEC Bureau of Habitat Staff, MCWA has designed the Project, and revised where necessary, construction activities so as to minimize wetland and adjacent area encroachments and disturbance to the extent practicable. Pipeline right-of-way (ROW) will be generally limited to a 50-foot ROW work area and conventional trenching methods will be to an average depth of 8.5 feet. Silt fencing will be utilized to define the limits of disturbance. Trenches will be backfilled to pre-existing grades, and disturbed areas within the ROW will be seeded and replanted with an approved wetland seed/plant mix. Specific conditions in the permit will require MCWA conformance with all approved construction and mitigation plans. After a thorough review and evaluation of the June, 2005 *Joint Application for Permit for the East Side Water Supply Project*, Staff have made the determination that the construction activities proposed meet wetland permit issuance standards pursuant to 6 NYCRR Part 663.

Facts and Conclusions in the FEIS Relied Upon to Support the Decision (continued):

With respect to the Use and Protection of Waters permit application [DEC #8-2699-00097/6], the applicant proposes to construct intake and outfall structures on the lake bottom of Lake Ontario. The intake structure will provide a source of raw lake water for the new water supply system, and the outfall will provide the SPDES permit discharge outfall for the WTP filter backwash and collected storm water. Both the lake water intake and SPDES outfall shafts will run within an approximate 8-foot diameter tunnel advanced north under the lake from the Lake Water Pumping Station (LWPS). Construction details, sequencing and mitigation measures for the tunnel boring and the intake and outfall cribs are described in Section 2.1, pgs. 15-22 of the *Joint Application for Permit*. The Protection of Waters permit will also authorize disturbance to regulated streams, as needed, for pipeline crossings and construction of other system infrastructure. In general, two stream crossing methods will be employed depending on stream flow conditions and the character of adjacent lands. In low-flow or intermittent stream flows, a "wet" open-cut crossing will be used, where continuous flow across the work site is maintained while pipeline excavation and backfill are accomplished. In using a "dry" open-cut crossing method, stream flow is blocked above the work area and diverted around or over the crossing site. For both methods, potential impacts from stream bed disruption, downstream siltation, stream bank erosion and temporary displacement of aquatic flora and fauna must be minimized, mitigation must be implemented and careful restoration of the crossing sites must be done, such that pre-construction conditions are restored as soon as possible after construction is complete. After review, Staff are satisfied that the construction activities proposed by these applications meet applicable permit issuance standards, and that the permit includes specific Special Conditions intended to control and minimize potential construction impacts from pipeline trenching and excavation, clearing, grading and filling, among others. A copy of the combined authorization permit for the five Natural Resource permit types is included as Attachment 3. Staff concurs with the finding by Lead Agency MCWA from the *Findings Statement - East Side Water Supply Project*, Section III-2, 4 & 5, and after review of the entire record is satisfied that the requirements of ECL Article 8-0109 have been met as they apply to terrestrial and aquatic resources. Staff have concluded that the potential impacts to these resources from the construction of the Project have been identified, properly investigated and evaluated, and have been mitigated to the practicable extent required by SEQRA.

Mitigation:

- In-lake construction impacts associated with the intake and outfall structures will be minimized by using tunneling below the lake bottom rather than open-trench methods, prefabricated structures and minimizing in-water construction periods.

Facts and Conclusions in the FEIS Relied Upon to Support the Decision (continued):

- MCWA has minimized and provided in the approved plans, mitigation measures for affected wetland and stream crossing construction corridors to the maximum extent practicable and to the Department's satisfaction.
- Permit conditions will require, among other controls, stabilization of disturbed soils, sediment and erosion controls and revegetation of disturbed areas.

ISSUE / PERMIT JURISDICTION: Water Quality Certification

Discussion: With respect to the application for Water Quality Certification (WQC), [DEC #8-2699-00097/5] for certain Project construction activities resulting in a discharge to waters of the United States and subject to jurisdiction by the US Army Corps of Engineers (USACOE), the Department will issue certification, pursuant to Section 401 of the Federal Water Pollution Control Act, that such activities will not contravene applicable water quality standards. Section 5.2 of the Project DEIS identifies mitigation measures for both ground and surface water resources which will be implemented to minimize potential significant impacts. These measures include, among others, watertight tunnel lining systems for tunnel excavations; low permeability "trench plugs" to limit ground water migration during pipeline trenching; use of settling basins and filter fabric to provide sediment controls during dewatering, as needed; periodic monitoring of private water wells in the Project area to ensure water quality and quantity during construction; installing rip rap, sand bags, erosion control matting and other controls as specified in the Project SWPPP. Staff have concluded that the mitigation proposed for potential impacts to ground and surface waters, existing watershed and drainage patterns and local domestic wells satisfies issuance standards for a WQC. After full consideration of the record, the Department finds that the requirements of ECL Article 8-0109 have been met with respect to the issue of Water Quality Certification, and concurs with the finding by Lead Agency MCWA from the Findings Statement - East Side Water Supply Project, Section III-2, pg. 8.

Mitigation:

- A Stormwater Pollution Prevention Plan (SWPPP) will be prepared in compliance with the "General Permit for Storm Water Discharges from Construction Activities" to control potential construction related impacts to surface waters. All contractors will be required to comply with the standard MCWA "Erosion and Sediment Control" (E&SC) measures.
- WQC Condition 1 certifies that "the subject project will not contravene effluent limitations or standards under Sections 301, 302, 303, 306 and 307 of the Clean Water Act of 1977 (PL 95-217) provided that all of the conditions listed herein are met."

Facts and Conclusions in the FEIS Relied Upon to Support the Decision (continued):

ISSUE / PERMIT JURISDICTION: Coastal Erosion Management

Discussion: With respect to the Coastal Erosion Management permit application, [DEC #8-2699-00097/15] the applicant proposes a temporary use within the Lake Ontario Coastal Erosion Hazard Area during initial project construction. The Lake Ontario shoreline and the Coastal Erosion Hazard Area are characterized in the DEIS as a "steeply-sloped face adjoining a relatively narrow beach", and further, that "the bluffs function as a natural protective buffer between the Lake Ontario shorelands and coastal development." [DEIS Section 3.1.3 pg.62] A temporary 12" dia. construction-phase storm water outfall pipeline will be placed across the limits of the hazard area while the permanent intake and outfall tunnels are advanced underground beneath the regulated area. The pipe will be placed on the ground surface across a 100 foot wide parcel owned by MCWA between the LWPS site and the lake. The outfall discharge will be onto an existing large stone rip-rap revetment. Potential impacts to the erosion hazard area from this temporary use are expected to be limited and not significant or adverse, and all work will be done in accordance with 6 NYCRR Part 505 (Coastal Erosion Management) regulations: [§505.8(c)(3)]. With respect to the Town of Webster's *Local Waterfront Revitalization Program* (LWRP), after consultation and agreement with the Town, staff have made the finding that the activities proposed under the Coastal Erosion Management permit are consistent with the policies and purposes of the Webster LWRP. The Town has certified that the authorized activities are consistent to the maximum extent practicable with the approved LWRP. In addition, after review of the MCWA Joint Application for Permit for the East Side Water Supply Project - June 2005, Appendix D., staff have made the determination that the project is compliant with Article 42 of the NYS Executive Law (Waterfront Revitalization of Coastal Areas and Inland Waterways). The Department is satisfied that the issuance standards for the Coastal Erosion Management permit have been met, and after review of the full record finds that the requirements of ECL Article 8-0109 have been met with respect to the issue of Coastal Erosion Management. Staff concurs with the finding by Lead Agency MCWA from the Findings Statement - East Side Water Supply Project, Section III-4, pg.10.

Mitigation:

- Intrusion into the regulated coastal area will be temporary during construction of the permanent intake and outfall tunnels. The combined authorization permit will require that the outfall pipeline be removed and site restoration done to return the coastal area to pre-placement condition.

Facts and Conclusions in the FEIS Relied Upon to Support the Decision (continued):

- The Authority will prepare a storm water pollution prevention plan (SWPPP) in compliance with the SPDES General Permit for storm water discharges from construction activities, and incorporate the Authority's standard Erosion and Sedimentation Control (E&SC) measures.

ISSUE: Cultural Resources:

Discussion: Before any specific permit decision on these permits can be made, the Department is required to evaluate potential impacts to historic and archaeological resources through consultation with the NYS Office of Parks, Recreation and Historic Preservation (OPRHP), and the State Historic Preservation Officer (SHPO). It is staff's judgement that this consultation requirement has been met, based on review of the DEIS, and Lead Agency MCWA's *Findings Statement*, which states in part that, "Based on the SHPO's review of NYS museum archaeological and NYSOPRHP files, no existing cultural resources have been identified within the project area", and further that, "Based on this review, the SHPO has certified the Authority's compliance with federal and state preservation laws." [DEIS 3.11.1, pg.107 & DEIS Appendix 6] Department staff concur with the discussion and conclusion(s) of Lead Agency MCWA and supports the Authority's finding from the *Findings Statement - East Side Water Supply Project*, Sec. III-11, pg. 25. After review of the full record and in consideration of Special Condition 5 of the combined authorization permit, which requires that work cease immediately in the event archaeological or cultural resources are encountered, the Department is satisfied that the requirements of ECL Article 8-0109 have been met with respect to Archaeological, Historical and Cultural resources. Consistent with 6 NYCRR Part 617.11, staff find potential adverse impacts to these resources have been properly investigated and evaluated, and have been mitigated to the practicable extent required by SEQRA and the State Historic Preservation Act.

Mitigation:

- Mitigation measures are not considered necessary because no existing archaeological or historic resources were identified.
- Special condition #5 of the combined authorization permit will require that all work cease and additional consultation with the SHPO be done in the event cultural resources are found during construction.

Project Number: DEC 8-2699-00097/00001

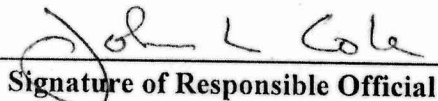
Name of Action: Monroe County Water Authority - East Side Water Supply Project

CERTIFICATION OF FINDINGS TO APPROVE/FUND/UNDERTAKE

Having considered the Draft and Final EIS, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.11, this Statement of Findings certifies that:

1. The requirements of 6NYCRR Part 617 have been met;
2. Consistent with the social, economic and other essential considerations from among the reasonable alternatives thereto, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including effects disclosed in the environmental impact statement, and;
3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable.
4. (and, if applicable) Consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR 600.5, this action will achieve a balance between the protection of the environment and the need to accommodate social and economic considerations.

The New York State Department of Environmental Conservation
Name of Agency


Signature of Responsible Official

John L. Cole
Name

Deputy Regional Permit Administrator
Title of Responsible Official

July 7, 2008
Date

6274 East Avon-Lima Road, Avon, New York 14414
Address of Agency

cc: Other Involved agencies, interested parties, and the applicant: Refer to project service lists

SERVICE LIST

<p>Town of Webster 1000 Ridge Road Webster, NY 14580-2917</p> <p>Town of Penfield 3100 Atlantic Ave Penfield, NY 14526</p> <p>Monroe Co. Water Authority 475 Norris Drive Rochester, NY 14610</p> <p>Monroe Co. Executive Office 39 West Main Street Suite 110 Rochester, NY 14614</p> <p>Monroe Co. Department of Human Services 111 Westfall Rd. Rochester, NY 14620</p> <p>Monroe Co. Department of Transportation 50 W. Main Street Rochester NY 14614</p> <p>Monroe County Department of Planning 50 W. Main Street Rochester NY 14614</p> <p>Monroe Co. Department of Environmental Services 50 W. Main Street Rochester NY 14620</p> <p>Monroe Co. Soil & Water Conservation Board 1200A Scottsville Rd. Rochester, NY 14624</p>	<p>Monroe Co. Agriculture and Farmland Protection Board 1190 Scottsville Rd. Rochester NY 14624</p> <p>City of Rochester City Hall, Room 307-A 30 Church Street Rochester, NY 14614-1284</p> <p>Commissioner NYS Department of Environmental Conservation 625 Broadway Albany, NY 12233-1010</p> <p>Bureau of Land Disposition NYS Office of General Services 2nd Tower, Empire State Plaza Albany NY 12242</p> <p>Bureau of Public Water Supply Protection NYS Department of Health 2 University Place Room 406 Albany NY 12203</p> <p>NYS Dept. of Transportation Region 4 1530 Jefferson Rd Rochester, NY 14623</p> <p>Agricultural Protection Unit NYS Department of Agriculture & Markets 1 Winners Circle Albany NY 12235</p>	<p>NYS Office of Parks, Recreation, & Historic Preservation Field Services Bureau PO BOX 189, Peebles Island Waterford NY 12188</p> <p>NYS Department of State Division of Coastal Resource & Waterfront Revitalization Coastal Management Program 99 Washington Ave Albany NY 12231</p> <p>US Army Corps of Engineers 1776 Niagara Street Buffalo NY 14207</p> <p>US Fish and Wildlife Service 3817 Luker Road Cortland NY 13045</p> <p>US Coast Guard Marine Safety Office Room 1111, Federal Building 111 West Huron Street Buffalo NY 14202</p> <p>US Environmental Protection Agency, Region II Marine & Wetland Protection Branch 290 Broadway 24th Floor New York NY 10007</p>
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ATTACHMENT 1

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
State Pollutant Discharge Elimination System (SPDES)
DISCHARGE PERMIT
Special Conditions (Part 1)

Industrial Code: 4941
Discharge Class (CL): 01
Toxic Class (TX): N
Major Drainage Basin: 03
Sub Drainage Basin: 02
Water Index Number: Ont
Compact Area: IJC

SPDES Number: NY-0247367
DEC Number: 8-2699-00097/00001
Effective Date (EDP): 08/01/2008
Expiration Date (ExDP): 07/31/2013
Modification Dates:

This SPDES permit is issued in compliance with Title 8 of Article 17 of the Environmental Conservation Law of New York State and in compliance with the Clean Water Act, as amended, (33 U.S.C. §1251 et.seq.)(hereinafter referred to as "the Act").

PERMITTEE NAME AND ADDRESS

Name: Monroe County Water Authority
Street: 4799 Dewey Avenue, PO Box 12697
City: Rochester

Attention: Richard Metzger, Dir. of Prod&Trans.

State: NY Zip Code: 14612-0697

is authorized to discharge from the facility described below:

FACILITY NAME AND ADDRESS

Name: Monroe County Water Authority East Side Water Supply

Location (C,T,V): Webster (T)

County: Monroe

Facility Address: 4799 Dewey Avenue, PO Box 12697

City: Rochester

State: NY Zip Code: 14612-0697

NYTM -E: 305.9

NYTM - N: 4789.6

From Outfall No.: 001 at Latitude: 43 ° 16 ' 31 " & Longitude: 77 ° 23 ' 18 "

into receiving waters known as: Lake Ontario

Class: A

and; (list other Outfalls, Receiving Waters & Water Classifications)

Outfall 002 Lake Ontario Class A

in accordance with: effluent limitations; monitoring and reporting requirements; other provisions and conditions set forth this permit; and 6 NYCRR Part 750-1.2(a) and 750-2.

DISCHARGE MONITORING REPORT (DMR) MAILING ADDRESS

Mailing Name: Monroe County Water Authority
Street: 4799 Dewey Avenue, PO Box 12697
City: Rochester
Responsible Official or Agent:

State: NY Zip Code: 14612-0697
Richard Metzger Phone: 585-442-2001 X501

This permit and the authorization to discharge shall expire on midnight of the expiration date shown above and the permittee shall not discharge after the expiration date unless this permit has been renewed, or extended pursuant to law. To be authorized to discharge beyond the expiration date, the permittee shall apply for permit renewal not less than 180 days prior to the expiration date shown above.

DISTRIBUTION:

Bureau of Water Permits

Permit Administrator: Peter A. Lent	
Address: NYS Department of Environmental Conservation 6274 East Avon-Lima Road, Avon, NY 14414	
Signature: <i>Peter A. Lent</i>	Date: 7 / 2 / 2008

PERMIT LIMITS, LEVELS AND MONITORING DEFINITIONS

OUTFALL	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING		
	This cell describes the type of wastewater authorized for discharge. Examples include process or sanitary wastewater, storm water, non-contact cooling water.	This cell lists classified waters of the state to which the listed outfall discharges.	The date this page starts in effect. (e.g. EDP or EDPM)	The date this page is no longer in effect. (e.g. ExDP)		
PARAMETER	MINIMUM	MAXIMUM	UNITS	SAMPLE FREQ.	SAMPLE TYPE	
e.g. pH, TRC, Temperature, D.O.	The minimum level that must be maintained at all instants in time.	The maximum level that may not be exceeded at any instant in time.	SU, °F, mg/l, etc.			
PARA-METER	EFFLUENT LIMIT	PRACTICAL QUANTITATION LIMIT (PQL)	ACTION LEVEL	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE
	Limit types are defined below in Note 1. The effluent limit is developed based on the more stringent of technology-based standards, required under the Clean Water Act, or New York State water quality standards. The limit has been derived based on existing assumptions and rules. These assumptions include receiving water hardness, pH and temperature; rates of this and other discharges to the receiving stream; etc. If assumptions or rules change the limit may, after due process and modification of this permit, change.	For the purposes of compliance assessment, the analytical method specified in the permit shall be used to monitor the amount of the pollutant in the outfall to this level, provided that the laboratory analyst has complied with the specified quality assurance/quality control procedures in the relevant method. Monitoring results that are lower than this level must be reported, but shall not be used to determine compliance with the calculated limit. This PQL can be neither lowered nor raised without a modification of this permit.	Type I or Type II Action Levels are monitoring requirements, as defined below in Note 2, that trigger additional monitoring and permit review when exceeded.	This can include units of flow, pH, mass, Temperature, concentration. Examples include µg/l, lbs/d, etc.	Examples include Daily, 3/week, weekly, 2/month, monthly, quarterly, 2/yr and yearly.	Examples include grab, 24 hour composite and 3 grab samples collected over a 6 hour period.

Note 1: DAILY DISCHARGE. The discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for the purposes of sampling. For pollutants expressed in units of mass, the 'daily discharge' is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the 'daily discharge' is calculated as the average measurement of the pollutant over the day.

DAILY MAX.: The highest allowable daily discharge. **DAILY MIN.:** The lowest allowable daily discharge.

DAILY AVG or 30 DAY ARITHMETIC MEAN (30 day average): The highest allowable average of daily discharges over a calendar month, calculated as the sum of each of the daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

7 DAY ARITHMETIC MEAN (7 day average): The highest allowable average of daily discharges over a calendar week.

30 DAY GEOMETRIC MEAN: The highest allowable geometric mean of daily discharges over a calendar month, calculated as the antilog of: the sum of the log of each of the daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

7 DAY GEOMETRIC MEAN: The highest allowable geometric mean of daily discharges over a calendar week.

RANGE: The minimum and maximum instantaneous measurements for the reporting period must remain between the two values shown.

Note 2: ACTION LEVELS: Routine Action Level monitoring results, if not provided for on the Discharge Monitoring Report (DMR) form, shall be appended to the DMR for the period during which the sampling was conducted. If the additional monitoring requirement is triggered as noted below, the permittee shall undertake a short-term, high-intensity monitoring program for the parameter(s). Samples identical to those required for routine monitoring purposes shall be taken on each of at least three consecutive operating and discharging days and analyzed. Results shall be expressed in terms of both concentration and mass, and shall be submitted no later than the end of the third month following the month when the additional monitoring requirement was triggered. Results may be appended to the DMR or transmitted under separate cover to the same address. If levels higher than the Action Levels are confirmed, the permit may be reopened by the Department for consideration of revised Action Levels or effluent limits. The permittee is not authorized discharge any of the listed parameters at levels which may cause or contribute to a violation of water quality standards. **TYPE I:** The additional monitoring requirement is triggered upon receipt by the permittee of any monitoring results in excess of the stated Action Level. **TYPE II:** The additional monitoring requirement is triggered upon receipt by the permittee of any monitoring results that show the stated action level exceeded for four of six consecutive samples, or for two of six consecutive samples by 20 % or more, or for any one sample by 50 % or more.

FINAL PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL No.	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
001	Filter backwash, filter to waste, coagulant contact basins (CCB), & disinfection contact tanks (DCT) that discharge to Equalization (EQ) tank & Deep Water Lagoons system	Lake Ontario		

PARAMETER	MINIMUM	MAXIMUM	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FOOTNOTES (FN)
pH	6.5	8.5	SU	2/month	grab	

PARAMETER	COMPLIANCE LIMIT		MONITORING ACTION LEVEL		UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Daily Avg.	Daily Max.	TYPE I	TYPE II				
Flow	Monitor	Monitor			mgd	continuous		
Solids, Total Suspended	20.0	40.0			mg/l	2/month	composite	1
Solids, Settleable		0.3			ml/l	2/month	grab	
Chlorine, Total Residual		0.5			mg/l	2/month	grab	
Aluminum, Total	Monitor	Monitor			mg/l	quarterly	composite	1
Copper, Total	Monitor	Monitor			mg/l	quarterly	composite	1
Lead, Total	Monitor	Monitor			mg/l	quarterly	composite	1

Footnote:

- (1) A composite shall be a representative sample consisting of a minimum of three grab samples; one each at the beginning, middle, and end of discharge.

FINAL PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL No.	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
002	Lake Water Pump Station (LWPS) stormwater discharge from Storm Water Management Facility (SWMF)	Lake Ontario		

PARAMETER	MINIMUM	MAXIMUM	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FOOTNOTES (FN)
pH	6.5	8.5	SU	weekly	grab	

PARAMETER	COMPLIANCE LIMIT		MONITORING ACTION LEVEL		UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Monthly Avg.	Daily Max.	TYPE I	TYPE II				
Flow	Monitor	Monitor			mgd	continuous		

WATER TREATMENT CHEMICAL (WTC) REQUIREMENTS ^(9/99)

New or increased use of a WTC requires prior DEC review and authorization. At a minimum, the permittee must notify the DEC in writing of its intent to change WTC use by submitting a completed WTCFX Form for each WTC. The DEC will review that submittal and determine if a SPDES permit modification is necessary or whether WTC review and authorization may proceed outside of the formal permit administrative process. **The majority of WTC authorizations do not require formal SPDES permit modification.** WTCs which are used in closed systems and cannot be discharged or those which are discharged to municipal STP do not require DEC review. **WTC use and discharge questions or requests for forms** should be directed to the DEC staff person who developed your SPDES permit. If you are not sure who that is, contact the DEC staff person who last inspected your facility.

Examples of WTCs include, biocides, coagulants, conditioners, corrosion inhibitors, defoamers, flocculants, scale inhibitors, sequestrants, and settling aids. DEC staff may also direct you to use a WTCFX Form for review and authorization of substances other than WTCs, e.g. process chemicals.

The permittee must demonstrate that the use and discharge of any WTCs containing **phosphorus**, tributary to the Great Lakes Basin or other ponded waters, is necessary and that no acceptable alternatives exist. Please note that in some cases your permit may require modification to regulate phosphorus.

Generic WTC Usage Requirements

1. WTC use shall not exceed the rate reported by the permittee or authorized below, whichever is less.
2. The discharge shall not cause or contribute to a violation of water quality or an exceedance of ambient water quality criteria.
3. **The permittee must maintain a logbook** of all WTC use, noting for each WTC the date, time, exact location, and amount of each dosage, and, the name of the individual applying or measuring the chemical. The logbook must also document that adequate process controls are in place to ensure that excessive levels of WTCs are not used and subsequently discharged through outfalls. The permittee shall retain the logbook data for a period of at least 5 years. This period may be extended by request of the DEC.
4. **The permittee shall provide an annual report**, attached to the December DMR, containing the following information for each outfall: the current list of WTCs authorized for use and discharge by the DEC, for each WTC the amount in pounds used during the year, identification of authorized WTCs the permittee no longer uses, and any other pertinent information.

List of WTCs Authorized for Use and Discharge*

Affected Outfall(s)	Dosage (lbs/day)		WTC Manufacturer and Product Name	WTC Function
	Avg	Max		
1	626	1252	Sodium Hypochlorite	Disinfectant, zebra & quagga mussel control
1	35	71	Potassium pemanganate	Taste & odor control, zebra & quagga mussel control
1	1192	2385	Aluminium sulfate (alum)	Coagulant
1	177	354	Hydrofluorosilicic acid (fluoride)	Fluoride addition
1	313	626	Chlorine (alternative to sodium hypochlorite)	Disinfectant (backup)
1	3962	7923	Carbon Dioxide (gas)	Reduce raw water pH, as needed
1	313	626	Sulfur Dioxide	Dechlorination
1	146	292	Cationic Polymer	Coagulant aid

* - Authorized WTCs must either be listed above or identified in a letter sent to the permittee by the DEC subsequent to issuance of this permit page. In cases where a WTC is listed above and in a letter from the DEC, the more recent document will control.

DISCHARGE NOTIFICATION REQUIREMENTS

- a) The permittee shall, except as set forth in (c) below, maintain the existing identification signs at all outfalls to surface waters, which have not been waived by the Department in accordance with 17-0815-a. The sign(s) shall be conspicuous, legible and in as close proximity to the point of discharge as is reasonably possible while ensuring the maximum visibility from the surface water and shore. The signs shall be installed in such a manner to pose minimal hazard to navigation, bathing or other water related activities. If the public has access to the water from the land in the vicinity of the outfall, an identical sign shall be posted to be visible from the direction approaching the surface water.

The signs shall have **minimum** dimensions of eighteen inches by twenty four inches (18" x 24") and shall have white letters on a green background and contain the following information:

N.Y.S. PERMITTED DISCHARGE POINT

SPDES PERMIT No.: NY _____

OUTFALL No. : _____

For information about this permitted discharge contact:

Permittee Name: _____

Permittee Contact: _____

Permittee Phone: () - ### - ####

OR:

NYSDEC Division of Water Regional Office Address :

NYSDEC Division of Water Regional Phone: () - ### - ####

- b) For each discharge required to have a sign in accordance with a), the permittee shall provide for public review at a repository accessible to the public, copies of the Discharge Monitoring Reports (DMRs) as required by the **RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS** page of this permit. This repository shall be open to the public, at a minimum, during normal daytime business hours. The repository may be at the business office repository of the permittee or at an off-premises location of its choice (such location shall be the village, town, city or county clerk's office, the local library or other location as approved by the Department). In accordance with the **RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS** page of your permit, each DMR shall be maintained on record for a period of three years.
- (c) If, upon November 1, 1997, the permittee has installed signs that include the information required by 17-0815-a(2)(a), but do not meet the specifications listed above, the permittee may continue to use the existing signs for a period of up to five years, after which the signs shall comply with the specifications listed above.
- d) The permittee shall periodically inspect the outfall identification signs in order to ensure that they are maintained, are still visible and contain information that is current and factually correct.

MONITORING LOCATIONS

The permittee shall take samples and measurements, to comply with the monitoring requirements specified in this permit, at the location(s) specified below:

East Side Water Supply Project Average and Maximum Discharges

Lake Water Pump Station

Carbon dioxide (seasonal)
Potassium Permanganate
Sodium hypochlorite.....

25 AFGD - 219
50 AFGD - max

Lake Water
Pump Station

Storm events
(from Management Unit)
1 yr 0.56 AFGD
100 yr 2.6 AFGD

Outfall 002

Footer drains

Discharge in Lake Ontario

1.5 AFGD - 219
2.4 AFGD - max

Inspection
Collection
Manhole

Outfall 001

Water Treatment Plant

Carbon dioxide
Alum
Cationic polymer.....

25 AFGD - 219
50 AFGD - max

In-line Mix
&
Coagulant
Contact

Maintenance
(twice/yr)
0.4 AFGD

Filter aid.....

High Rate Filter

Backwash
Filter-to-Waste

Sulfur dioxide
(as needed)

EQ
Tank
0.55
MG

0.66 AFGD - 219
1.75 AFGD - max

Outfall 001A

Sodium hypochlorite
Hydrofluorosilicic acid.....

24.1 AFGD - 219
47.2 AFGD - max

Chlorine
Contact
Tanks

Maintenance
(once/3 yr)
0.6 AFGD
(for 3 days)

Lagoons

Rain 0.1 AFGD

24.1 AFGD - 219
47.2 AFGD - max

to Treated Water Pump Station

RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

- a) The permittee shall also refer to 6 NYCRR Part 750-1.2(a) and 750-2 for additional information concerning monitoring and reporting requirements and conditions.
- b) The monitoring information required by this permit shall be summarized, signed and retained for a period of three years from the date of the sampling for subsequent inspection by the Department or its designated agent. **Also, monitoring information required by this permit shall be summarized and reported by submitting;**

☒ (if box is checked) completed and signed Discharge Monitoring Report (DMR) forms for each 1 month reporting period to the locations specified below. Blank forms are available at the Department's Albany office listed below. The first reporting period begins on the effective date of this permit and the reports will be due no later than the 28th day of the month following the end of each reporting period.

☐ (if box is checked) an annual report to the Regional Water Engineer at the address specified below. The annual report is due by February 1 and must summarize information for January to December of the previous year in a format acceptable to the Department.

☐ (if box is checked) a monthly "Wastewater Facility Operation Report..." (form 92-15-7) to the:

☐ Regional Water Engineer and/or ☐ County Health Department or Environmental Control Agency specified below

Send the original (top sheet) of each DMR page to:

Department of Environmental Conservation
Division of Water
Bureau of Watershed Compliance Programs
625 Broadway
Albany, New York 12233-3506

Phone: (518) 402-8177

Send the first copy (second sheet) of each DMR page to:

Department of Environmental Conservation
Regional Water Engineer
6274 East Avon-Lima Road
Avon, NY 14414-9519

Phone: 585-226-2466

Send an additional copy of each DMR page to:

- c) Noncompliance with the provisions of this permit shall be reported to the Department as prescribed in 6 NYCRR Part 750-1.2(a) and 750-2.
- d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- e) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculations and recording of the data on the Discharge Monitoring Reports.
- f) Calculation for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.
- g) Unless otherwise specified, all information recorded on the Discharge Monitoring Report shall be based upon measurements and sampling carried out during the most recently completed reporting period.
- h) Any laboratory test or sample analysis required by this permit for which the State Commissioner of Health issues certificates of approval pursuant to section five hundred two of the Public Health Law shall be conducted by a laboratory which has been issued a certificate of approval. Inquiries regarding laboratory certification should be sent to the Environmental Laboratory Accreditation Program, New York State Health Department Center for Laboratories and Research, Division of Environmental Sciences, The Nelson A. Rockefeller Empire State Plaza, Albany, New York 12201.



PERMIT

Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:

MONROE COUNTY WATER AUTHORITY
475 NORRIS DR
ROCHESTER, NY 14610-0999
(585) 442-2000

Facility:

MCWA WATER TREATMENT PLANT
EAST SIDE WATER SUPPLY
WEBSTER/PENFIELD, NY

Facility Location: In MULTIPLE TOWNS in MONROE COUNTY

Facility Principal Reference Point: NYTM-E: 306.263 NYTM-N: 4794.115

Latitude: 43°16'29.7" Longitude: 77°23'15.1"

Project Location: West side of Basket Road, approximately 4000' N. of St. Rt. 104

Authorized Activity: This permit approves Monroe County Water Authority's (MCWA) construction and operation of the proposed Eastside Water Treatment Plant which will be designed to provide an average of 35 MGD and up to a maximum of 50 MGD of potable water to the MCWA's service area. The project includes the construction of the lake water intake system, the raw lake water transmission system, the water treatment system and the finished potable water transmission system. The project is intended to increase the capacity, reliability, and security of the MCWA's public water supply and distribution system.

In addition, the permit approves a 10 MGD increase in the MCWA approved water withdrawals from Lake Ontario, which would then allow the MCWA to withdraw a total of up to 155 MGD from Lake Ontario. The MCWA's current water supply allocation from Lake Ontario is 145 MGD, which is a total amount approved in two previous water supply decisions: a withdrawal of up to 140 MGD by the MCWA's Shoremont Plant (WSA 6855) and a withdrawal of up to 5 MGD from the Brockport Water Treatment Plant (WSA 9467). WSA 9467 transferred the Village of Brockport's Water Treatment Plant to MCWA control and the plant is currently inactive. With the issuance of the instant water supply permit (WSA 10853), MCWA will have the approval to have a combined Lake Ontario water withdrawal which does not exceed a total of 155 MGD from the intakes of the three Water Treatment Plants (Shoremont, Eastside, and Brockport).

Permit Authorizations

Water Supply - Under Article 15, Title 15

Permit ID 8-2699-00097/00002

New Permit

(WSA No. 10853)

Effective Date: 7/7/2008

Expiration Date: No Exp. Date

NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: PETER A LENT, Regional Permit Administrator
Address: NYSDEC REGION 8 HEADQUARTERS
6274 EAST AVON-LIMA RD
AVON, NY 14414

Authorized Signature: Peter A. Lent Date 7/2/2008

Distribution List

RICHARD J METZGER
NYS DEPT OF HEALTH - WATER SUPPLY
MONROE COUNTY DEPARTMENT OF HEALTH
WATER PERMITS

Permit Components

WATER SUPPLY PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

WATER SUPPLY PERMIT CONDITIONS

1. Transfer of Ownership of Water Supply Systems A new water supply permit application is required for the acquisition or condemnation of an existing water supply system.

2. Submission of Plans and Specifications Prior to starting work on any construction authorized herein, detailed plans of the structures proposed to be built and specifications for such work shall have been submitted to and approved by the Department. Thereafter such construction work shall be entirely completed in full accordance with the plans and specifications which have been submitted and approved.
Note: Approval by this Department of final plans and specifications, and of completed works, will not be issued until equivalent approvals have been issued by the NYS Department of Health.

3. Final Approval of Work Section 15-1529 of the Environmental Conservation Law forbids the operation of any of these works until, as constructed, they have been approved by the Department. Such final approval will be given only on written request. In general, such approval will not be given until all provisions affecting quality of the water and safety of the works have been complied with in full.



4. Right to Rescind The Department reserves the right to rescind this permit or to take whatever action it may deem suitable and proper if the works authorized to be constructed herein are not initiated by two (2) years from the effective date.

5. Activities Requiring Additional Permits The Authority shall not carry out any of the following activities without first obtaining a further Public Water Supply Permit from the Department:

- a. To acquire, lease, construct, manage, and/or operate any new or additional source of water supply, whether located within or without Monroe County;
- b. To acquire, lease, construct, manage, and/or operate water distribution facilities in any municipality outside of Monroe County.

6. No Distribution Beyond District Without Approval Nothing contained herein shall authorize the permittee to distribute water to any other district or service area that has not already been approved by the Department or its predecessors without first obtaining a further permit from the Department.

7. Water Conservation Requirement The Authority's Water Conservation Plan, as submitted in the revised forms received by the Department on March 30, 2006, shall be carried out in all areas of Monroe County in which water is supplied to retail customers through transmission and distribution facilities owned, leased, managed, and/or operated by the Authority ("In-county Service Area"). Any amendment to that program shall be filed with the Department for approval.

8. Meters Required on All Sources And Customers The permittee must maintain meters on all sources of supply used in the system and on all customer service connections supplied by the system.

9. Conduct Water Audits The permittee must maintain records of annual metered water production and consumption, and, at least once annually, must conduct a system water audit that utilizes metered production and consumption data to determine unaccounted-for water.

10. Leak Detection and Repair Program The permittee must develop and implement a leak detection and repair program that uses sonic detection equipment to inspect its entire distribution system in a systematic fashion. At a minimum, this program must cover the entire system in a three-year cycle by inspecting at least one-third of the system each year. Whenever two consecutive annual water audits show that unaccounted-for water is 15% or less of system production, the leak detection and repair program may be modified to cover the entire system in a longer cycle.

11. Permittee Must Maintain Records The permittee must retain records of production and consumption, reports of audit results, and summaries of leaks detected and repaired for at least ten years. The permittee must provide copies of such of these records, reports, and summaries as might be requested in writing by the Department within one month of receiving such a request.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC REGION 8 HEADQUARTERS
6274 EAST AVON-LIMA RD
AVON, NY14414

4. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.



5. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

ATTACHMENT 2



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:

MONROE COUNTY WATER AUTHORITY
475 NORRIS DR
ROCHESTER, NY 14610-0999
(585) 442-2000

Facility:

MCWA WATER TREATMENT PLANT
EAST SIDE WATER SUPPLY
WEBSTER/PENFIELD, NY

Facility Location: In MULTIPLE TOWNS in MONROE COUNTY

Facility Principal Reference Point: NYTM-E: 306.263 NYTM-N: 4794.115
Latitude: 43°16'29.7" Longitude: 77°23'15.1"

Project Location: Construction corridor south from Lk. Ontario to Sweets Corner Road

Authorized Activity:

Combined authorizations for the construction and operation of the East Side Water Supply project to increase the capacity, reliability and security of the Authority's public water supply and distribution system. Project components covered under this permit include: the lake water intake system; the raw lake water transmission system; the water treatment system and the finished potable water transmission system.

Permit Authorizations

Excavation & Fill in Navigable Waters - Under Article 15, Title 5

Permit ID 8-2699-00097/00006

New Permit

Effective Date: 7/7/2008

Expiration Date: 12/31/2013

Freshwater Wetlands - Under Article 24

Permit ID 8-2699-00097/00013

New Permit

Effective Date: 7/7/2008

Expiration Date: 12/31/2013

Stream Disturbance - Under Article 15, Title 5

Permit ID 8-2699-00097/00014

New Permit

Effective Date: 7/7/2008

Expiration Date: 12/31/2013

Coastal Erosion Management - Under Article 34

Permit ID 8-2699-00097/00015

New Permit

Effective Date: 7/7/2008

Expiration Date: 12/31/2013

Water Quality Certification - Under Section 401 - Clean Water Act

Permit ID 8-2699-00097/00016

New Permit

Effective Date: 7/7/2008

Expiration Date: 12/31/2013

ATTACHMENT 3



NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: PETER A LENT, Regional Permit Administrator
Address: NYSDEC REGION 8 HEADQUARTERS
6274 EAST AVON-LIMA RD
AVON, NY 14414

Authorized Signature: Peter A. Lent Date 7 / 2 / 2008

Distribution List

RICHARD J METZGER
NYS DEPT OF HEALTH - WATER SUPPLY
MONROE COUNTY DEPARTMENT OF HEALTH
DIVISION OF WATER - PERMITS

Permit Components

NATURAL RESOURCE PERMIT CONDITIONS
WATER QUALITY CERTIFICATION SPECIFIC CONDITION
GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS
NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Permit Attachments

Permit Sign
Notice of Intent to Commence Work

**NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following
Permits: EXCAVATION & FILL IN NAVIGABLE WATERS; FRESHWATER
WETLANDS; STREAM DISTURBANCE; COASTAL EROSION
MANAGEMENT; WATER QUALITY CERTIFICATION**

1. **Post Permit Sign** The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.

2. Notice of Intent to Commence Work The permittee shall submit a Notice of Intent to Commence Work to the Bureau of Habitat at least 48 hours in advance of the time of commencement and shall also notify him/her promptly in writing of the completion of work.

3. Conformance With Plans All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by the Monroe County Water Authority and received by the Department on June 21, 2005.

4. Prior Approval of Changes If the Permittee desires to make any changes in construction techniques, species to be planted, the site plan, any mitigation plan, scheduling or staging of construction, or any other aspect of this project, the Permittee shall submit a written request to the Regional Permit Administrator to make such proposed changes and shall not make such changes unless authorized in writing by the Department.

5. Archaeological or Structural Remains If any archaeological or structural remains are encountered during excavation, the permittee must immediately cease, or cause to cease, all work in the area of the remains and notify

Regional Permit Administrator
NYSDEC REGION 8 HEADQUARTERS
6274 EAST AVON-LIMA RD
AVON, NY 14414

Work shall not resume until written permission to do so has been received from the Department.

6. Work Within Area Depicted on Plans All construction activity, including operation of machinery, excavation, filling, grading, clearing of vegetation, disposal of waste, street paving and stockpiling of material must take place within the project site as depicted on the project plans referenced by this permit. Construction activity is prohibited within areas to be left in a natural condition or areas not designated by the subject permit.

7. Install and Maintain Erosion Controls Staked hay or straw bales or other DEC-approved erosion control measures are to be installed on the downslope edge of any disturbed areas. This barrier to sediments is to be put in place before any disturbance of the ground occurs and is to be maintained in a functional condition until all disturbed land is heavily vegetated.

8. Separate Topsoil, Subsoil Stockpiles Excavated topsoil shall be separated from subsoil and stockpiled. The topsoil is to be placed back on top during site grading.

9. Seed, Mulch Disturbed Areas Within five days of final grade completion, and no later than the permit expiration date, all bare, exposed fill shall be top dressed with soil, seeded and mulched. Mulch shall be maintained until a suitable cover is established to the Department's satisfaction. If seeding is impracticable due to the time of year, a temporary mulch shall be applied within five days of final grade completion and final seeding shall be performed at the earliest opportunity when weather conditions favor germination and growth; but not more than six months after project completion and no later than the the permit expiration date.

10. Disposal Locations All excavated materials, excess and waste materials, spoil, or debris from the project site shall be disposed of in accordance with the plans referenced by this permit. These materials must be disposed of in accordance with all local, state, and federal statutes, regulations, or ordinances.

11. Work in One Continuous Operation Work within wetlands, adjacent areas, streams or on stream banks must be done in one continuous operation.

12. Grade to Conform with Adjacent Area The work area shall be graded to conform with the elevation and contours of the undisturbed land immediately adjacent to the work area.

13. Equipment Storage 100' from Wetland, Water Body All equipment and machinery shall be stored and safely contained greater than 100 feet landward of the regulated wetland or water body at the end of each work day. This will serve to avoid the inadvertent leakage of deleterious substances into the regulated area.

14. Temporary Crossing to Be Removed and Restored Immediately following project completion or by the expiration of the permit, whichever comes first, any temporary crossing is to be completely removed, and the regulated Coastal Erosion Areas are to be returned to pre-project conditions and are to be stabilized by seeding and mulching with straw.

15. Minimize Adverse Impacts to Wetlands, Wildlife, Water All work must be performed in a manner which minimizes adverse impacts to wetlands, wildlife, water quality and natural resources.

16. Precautions Against Contamination of Waters All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

17. No Interference With Navigation There shall be no unreasonable interference with navigation by the work herein authorized.

18. State Not Liable for Damage The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

19. State May Order Removal or Alteration of Work If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

20. State May Require Site Restoration If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or

alteration.

WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

1. Water Quality Certification The NYS Department of Environmental Conservation hereby certifies that the subject project will not contravene effluent limitations or other limitations or standards under Sections 301, 302, 303, 306 and 307 of the Clean Water Act of 1977 (PL 95-217) provided that all of the conditions listed herein are met.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC REGION 8 HEADQUARTERS
6274 EAST AVON-LIMA RD
AVON, NY14414

4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Excavation & Fill in Navigable Waters, Freshwater Wetlands, Stream Disturbance, Coastal Erosion Management, Water Quality Certification.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Facility DEC ID 8-2699-00097

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
NOTICE OF LEGISLATIVE PUBLIC HEARING

Applicant: Monroe County Water Authority
475 Norris Drive
Rochester, NY 14610 -0999

Applicant's Agent: Edward F. Premo, II, Esq.
Harter, Secrest & Emery LLP
1600 Bausch & Lomb Place
Rochester, New York 14604-2711
585-232-6500
and
Richard J. Metzger, P.E.
Monroe County Water Authority
475 Norris Drive
Rochester, New York 14610-0999
585-442-2000

Facility: East Side Water Supply
Lake Ontario shoreline North of Lake Road, South on Basket Road, then West
to Salt Road, South to Sweets Corner Road, then West to the existing
Monroe County Water Authority District Connection

Application ID Numbers: 8-2699-00097/00002 & Number 10,853
8-2699-00097/00001 & SPDES No. NY-0247367
8-2699-00097/00003
8-2699-00097/00005

Permit(s) Applied for:

New York State Environmental Conservation Law ("ECL") article 15, title 15 and part
601 of title 6 of the Official Compilation of Codes, Rules and Regulations of the
State of New York ("6 NYCRR") - Public Water Supply
ECL article 17, title 8 and 6 NYCRR parts 750-758 - State Pollutant Discharge
Elimination System (SPDES)
ECL article 24 and 6 NYCRR part 663 - Freshwater Wetlands
ECL article 15, title 5 and 6 NYCRR part 608 - Use and Protection of Waters
ECL article 15 and 6 NYCRR part 608 - Water Quality Certification
ECL article 34 and 6 NYCRR part 505 - Coastal Erosion Management

Project is Located In: Towns of Webster and Penfield, Monroe County, New York

Notice of Complete Application: A combined notice of complete applications was published
on June 14, 2006 in the New York State Department of Environmental Conservation's electronic
Environmental Notice Bulletin.

ENVIRONMENTAL PROTECTION
AGENCY REGION II

OCT -2 PM 3:45

SPM/IPB

Project Description: The applicant proposes to construct and operate a new potable water supply system on the east side of Monroe County. The project will be located in the Towns of Webster and Penfield and will be comprised of the following facilities:

- (1) a lake water intake system;
- (2) a raw lake water transmission system;
- (3) a water treatment system; and
- (4) a finished potable water transmission system.

The purpose of the project is to provide a new drinking water supply system to supplement the applicant's existing production, transmission and distribution system. The new supply facilities will be developed in stages with an initial supply capacity of 50 million gallons per day (mgd). Pursuant to the New York State Environmental Conservation Law ("ECL"), the Department has permit jurisdiction in the following regulatory programs:

ECL article 15, title 15 and 6 NYCRR part 601 – Public Water Supply

ECL article 17, article 8 and 6 NYCRR parts 750-758 – State Pollutant Discharge Elimination System (SPDES)

ECL article 24 and 6 NYCRR part 663 – Freshwater Wetlands

ECL article 15, title 5, and 6 NYCRR part 608 – Use and Protection of Waters

Section 608.9 of 6 NYCRR – Water Quality Certification

ECL article 34 and 6 NYCRR part 505 – Coastal Erosion Management

The Department has received applications for each of the jurisdictions listed above and, after an initial review, has made the determination that each is complete to the extent that the applications can be made available for public review and comment, and for technical review by Department staff. The applications are described as follows:

With respect to the Public Water Supply permit application, DEC #8-2699-00097/2 & Number 10,853:

The applicant proposes to take a supply of water estimated to average 35 mgd, and up to 50 mgd, from Lake Ontario. Project includes installation of the East Side Water Supply system to increase the capacity, reliability and security of the Authority's system. Applications for new or increased withdrawals, consumptive uses or exceptions shall be considered cumulatively within ten years of any application.

With respect to the SPDES permit application, DEC #8-2699-00097/1 & SPDES # NY-0247367:

The applicant proposes a new, combined discharge of approximately 1.3 mgd of filter backwash and water treatment wastewater, along with collected stormwater flows to Lake Ontario, a Class A waterbody, from the proposed Lake Water Pump Station and Water Treatment facility. The Department has made a preliminary determination to approve issuance of a SPDES permit for this project under article 17 of the ECL. This determination indicates that the discharge is considered to satisfy regulatory standards for permit issuance and that the Department seeks comments on the proposed activity prior to making a final permit decision.

With respect to the Freshwater Wetlands permit application, DEC #8-2699-00097/3 :

The applicant proposes to disturb approximately 2.26 acres of regulated wetland and 4.42 acres of wetland adjacent area, as needed, to construct pipeline infrastructure and surface structures associated with the project. The project has been designed to minimize encroachments to the extent practicable. A restoration and re-planting plan will be prepared to mitigate construction impacts.

With respect to the Use and Protection of Waters permit application, DEC #8-2699-00097/5 :

The applicant proposes to construct intake and outfall structures on the lake bottom of Lake Ontario. The intake structure will provide a source of raw lake water for the new water supply system and the outfall will provide a discharge point for water treatment plant filter backwash and collected stormwater. This permit will also authorize disturbance to regulated streams, as needed, for pipeline crossings and construction of other system infrastructure.

With respect to the application for Water Quality Certification, DEC #8-2699-00097/5 :

For those project construction activities subject to jurisdiction by the US Army Corps of Engineers (USACOE), the Department will issue certification, pursuant to Section 401 of the Federal Water Pollution Control Act, that such activities will not contravene applicable water quality standards.

With respect to the Coastal Erosion Management permit application, DEC #8-2699-00097/5 :

The applicant proposes a temporary use within the Lake Ontario coastal erosion hazard area during initial construction of the new water supply system. A temporary stormwater outfall pipeline will be placed across the limits of the hazard area while the permanent outfall tunnel is advanced underground across the regulated areas.

Department Staff has not taken a position on these applications pending further evaluation of information to be obtained at the legislative hearing.

Legislative Hearing: All persons, organizations, corporations or government agencies that may be affected by the project are invited to comment on the application. For this purpose, a legislative hearing, conducted pursuant to 6 NYCRR 621.7(c), to receive unsworn comments will be held on **Thursday, November 30, 2006 from 1:30 PM to 4:00 PM at the Town of Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York 14526 (telephone number 585-340-8600).** A second hearing session will take place on the same date at 7:00 PM at the **Spry Middle School, Webster Central School District, 119 South Avenue, Webster, New York 14580 (telephone number 585-265-2500; School District Office telephone number 585-216-0000).**

It is not necessary to file in advance to speak at the legislative hearing. Lengthy statements should be in writing and summarized for oral presentation. Reasonable time limits may be set for each speaker to afford everyone an opportunity to be heard. Equal weight will be given to both oral and written statements. The hearing locations are reasonably accessible to persons with a mobility impairment. Pursuant to the State Administrative Procedure Act ("SAPA"), interpreter services shall be made available to hearing impaired persons, at no charge, upon

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written request to the administrative law judge named below at least five business days prior to the hearing.

Written comments may also be submitted at the legislative hearing or may be mailed to be received on or before **Friday, November 24, 2006** at the Office of Hearings and Mediation Services at the address listed below.

Copies of the project plans and the draft permits for the Water Supply and SPDES applications are available for review at the Department of Environmental Conservation Region 8 office in Avon, New York (contact John Cole, 585-226-5395); the Monroe Co. Water Authority office at 475 Norris Dr., Rochester, New York (contact Richard Metzger, 585-442-2000); and the Department's Office of Hearings and Mediation Services (contact Maria E. Villa, Administrative Law Judge, telephone 518-402-9003).

State Environmental Quality Review (SEQR) Determination: The Monroe County Water Authority, as SEQR lead agency, issued a positive declaration on June 12, 1995. A final environmental impact statement was accepted on November 12, 1996 and is on file.

State Historic Preservation Act (SHPA) Determination: A Structural-Archaeological Assessment Form has been completed. The New York State Office of Parks, Recreation and Historic Preservation ("OPRHP") has determined that the proposed activity will not have an impact on registered or eligible archaeological sites or historic structures. No further review in accordance with SHPA is required.

Coastal Management: This project is located in a Coastal Management area and is subject to the Waterfront Revitalization and Coastal Resources Act. A federal coastal consistency assessment form has been completed and submitted to the New York State Department of State. General concurrence that project activities are consistent with the New York State Coastal Management Policies was issued by the New York State Department of State on September 21, 2005.

Statutory and Regulatory Provisions: The application is processed and this proceeding is conducted according to the Environmental Conservation Law ("ECL") article 1 (General Provisions); article 3, title 3 (General Functions); article 8 (State Environmental Quality Review, "SEQR"); article 15, title 15 (Public Water Supply); article 15, title 5 (Use and Protection of Waters); article 17, title 8 (State Pollutant Discharge Elimination System); article 24 (Freshwater Wetlands); article 34 (Coastal Erosion Management); and also title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York ("6 NYCRR") part 617 ("SEQR"); part 621 (Uniform Procedures); part 601 (Public Water Supply); part 750-758 (State Pollutant Discharge Elimination System); part 608 (Use and Protection of Waters; Water Quality Certification); part 663 (Freshwater Wetlands); and part 505 (Coastal Erosion Management).

September 27, 2006
Albany, New York

Responsiveness Summary
Eastside Water Supply Project

During the Public Comment Period for the NYSDEC permits 12 letters were received. The following is the responses to those comments.

Author	Comment & Response Item No.
SuKu Menon	1,2,21,3,22,23,4
Peter Pelychaty	1,21,22
Douglas Flood	5
Marcus Miller	4,6,7
Adam Smith	1,21
Janet MacLeod	1,8,24,2
Susan & Michael Stinson	1,2,21,3,22,23,4
Sandra Parker	1,9,21
Hugh Mitchell	6,1,10,11,12,13,14,15,5,
Robert Seebald	16,17
Jason Leisten & Katherine Crandall	6,18,19,20
Michael Brisson	5

- 1) The new Water Treatment Plant is not needed now given current trends of water consumption and declining population.

Response:

- A. Demand is but one of several reasons cited by MCWA for construction of the project at this time.

It is the aggregate consideration of several equally important factors that establish the current timeframe:

- a. Meeting the Long-term Supply Capacity Needs of the Region
- b. Homeland Security
 - i. Reduced Vulnerability
- c. Improved System Reliability
- d. Cost-effective infrastructure replacement
- e. Energy Efficiency
- f. Ability to meet Future Water Quality Challenges

These clearly stated objectives are delineated in the applications presented to the Department and have been presented in the SEQRA process scoping sessions and hearings. Additionally, MCWA has presented these governing objectives in multiple public information meetings and information bulletins.

The strategic planning efforts for this source of supply have occurred over a period of time exceeding 40 years. The planning efforts have included many adjustments and refinements, incorporating contemporary data and information.

B. Water Demands which MCWA must meet are increasing, not decreasing

The number of customer served by MCWA has grown consistently. Much of this growth has occurred due to many other smaller water treatment plants in the region becoming non-viable due to their inability to meet ever increasing water quality regulations and/or the need for extensive investment needed to simply maintain the plant's infrastructure. The reduction in the available production capacity in the area is well documented. The regulatory and infrastructure investment needs are likely to affect other plants remaining in the region.

Since the Water Authority was formed in 1951, the approved water supply capacity in the region presently served by MCWA grew to a maximum of 218 mgd in 1977. Since 1977 numerous water treatment plants in the region have become non-viable and have been abandoned, diminishing today's available for water supply capacity to less than 202 mgd, a net loss of 16 mgd of production capacity. The rise and fall of the approved supply capacity is shown on Figure 1 and detailed below.

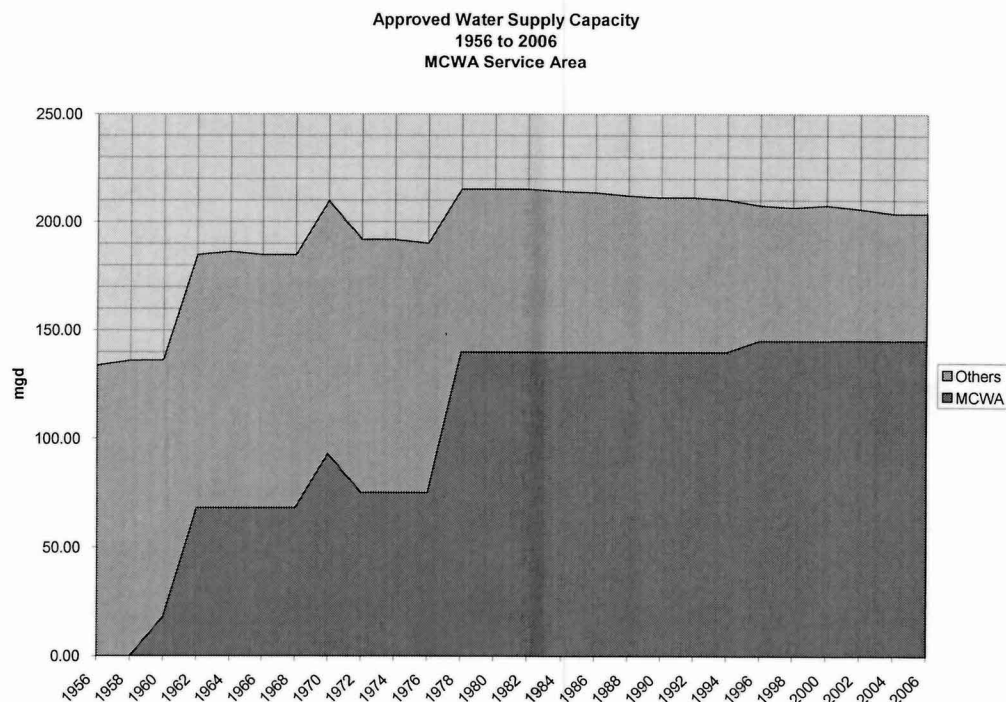


Figure 1

At the time MCWA began its operation in 1959, there was 136.27 mgd of treatment plant capacity in the current service area. In 1960, the region's capacity was increased by 50 mgd with the initial construction of the MCWA's Shoremont Water Treatment Plant. Shoremont's capacity was expanded in 1970 to 75 MGD. In 1972, MCWA ceased operation of the Charlotte Plant, an antiquated, inefficient plant which was not economical to rehabilitate. With the conversion of Shoremont to direct filtration in 1977

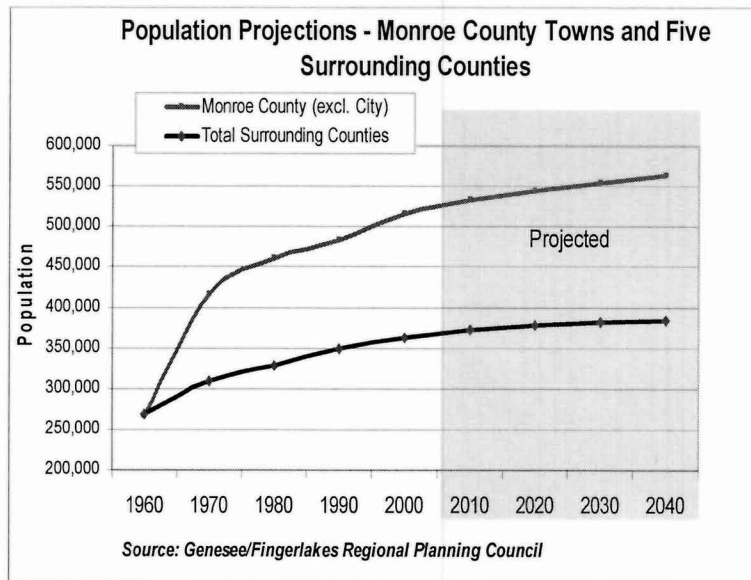
and the associated withdrawal increase of up to 100 mgd, the region hit its peak available potable water supply of 218 mgd. (Shoremont was subsequently expanded to 140 mgd. However, there was no net increase in withdrawal as that expansion replaced the 40 mgd of abandoned treatment capacity at the former City of Rochester Dewey Avenue plant which drew from the same intake).

There have been sixteen plants that have been abandoned and their source of supply switched to MCWA's Shoremont facility (all sixteen plants were in the Great Lakes Drainage Basin). These plants have been decommissioned because of obsolescence; and consistent with the State's objectives of promoting regional suppliers (ref: Genesee Sub-State Region Water Resource Management Strategy Report, NYSDEC, June 1987), the Water Authority has expanded its service area to meet the demands of many of these communities.

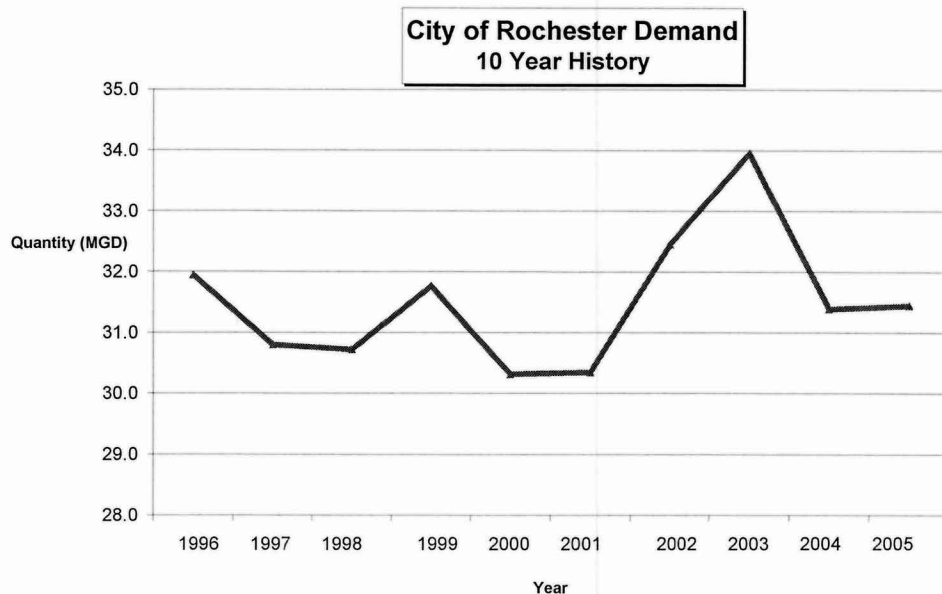
These plants include:

Decommissioned Water Plants		
Year	Plant	Capacity (mgd)
1960	Penfield	1
1961	Scottsville	0.5
1972	Charlotte	18
1975	Fairport	1.6
1980	Dewey Ave	40
1985	Hilton	0.6
1984	Pittsford	1
1990	Bergen	1
1990	Churchville	0.4
1990	Spencerport	0.4
1993	Victor	1
1995	Macedon	0.6
1997	East Rochester	2.0
1998	Victor	1
2001	Oakfield	0.5
2001	NYS Thruway	0.25
2003	LeRoy	2.0
	Total	71.85

While the available supply capacity has diminished slowly over the past twenty-five years, demands have steadily increased. MCWA conducts updates of its demand projections on a routine basis. The first item to consider is the population growth pattern of the region. The Water Authority service area is projected to continue to see limited, but positive growth.

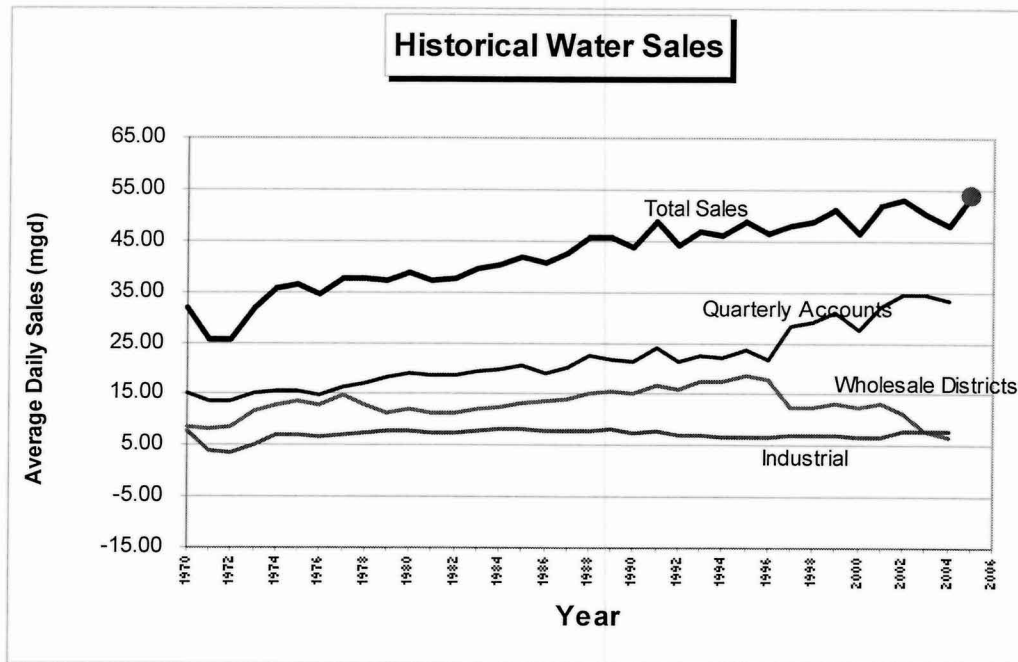


While the City of Rochester's demand did decrease in the 1980's and early 1990's, for the past 10 years it has remained stable, because continued declines within the City limits are being offset by the increasing demand being met in the City's wholesale supply areas in Livingston County. In fact, under construction now is a new transmission main that will supply 0.5 million gallons per day of City Uplands water to Geneseo in the near future.



While production capacity has diminished, transferring production load from other sources onto MCWA, the demand for water has also increased as new water districts are

formed and homes come off of their individual well supplies. The figure below shows the trend in billable sales. The demand that must be satisfied follows the same trend as sales, but includes other categories of use including process uses (primarily filter backwashing), fire fighting, flushing, tank draining and maintenance, leaks, main-breaks and other non-billable uses.



There are still numerous water plants that surround the MCWA service area. While MCWA can not identify which ones will become non-viable with complete certainty, nor predict when, the regulatory and economic pressures that caused the sixteen plants listed above to become non-viable will likely cause many of these other plants to also close.

- 2) MCWA is consolidating various water suppliers in the region, which is not in the best interest of the consumer.

Response:

Consolidation is not a unilateral decision. Other suppliers in the region come to MCWA when they need to address their particular water supply issues. MCWA has no power to force consolidation; consolidation can only occur with mutual consent. (Also, see response to No. 4).

- 3) The new Water Treatment Plant will encourage the abandonment of the City's Hemlock plant

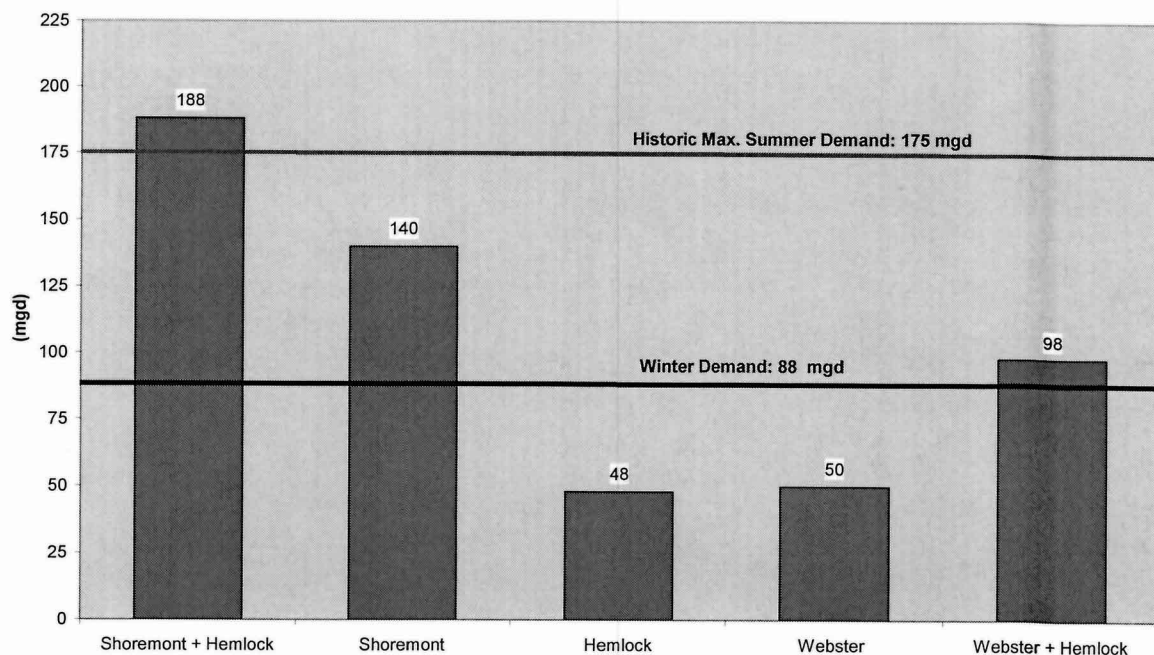
Response:

This statement is not supported by the facts presented in the applications. One of the stated reasons for the project is improved water system reliability. The Water Authority

has presented considerable evidence that its plans do include consideration of the security, reliability and redundancy factors for both its, and the City's, sources of supply and transmission.

The two primary sources of supply remaining in the service area are the Shoremont WTP (140 mgd) and the City of Rochester's Hemlock/Canadice plant (~48 mgd). The minimum monthly demand of the two combined service areas occurs in the dead of winter and is presently about 88 mgd. For reliability evaluations, it was assumed that no matter what time of year a potential emergency occurred, that the region could reduce demand to this minimal level. As shown below, if the Hemlock supply was lost, the Shoremont Plant can meet this minimal requirement and maintain public health, safety and sanitary conditions in the service area. However, if the Shoremont supply is lost, Hemlock can only meet about one-half of this need. With a first increment of 50 mgd at the Webster WTP the public health & safety can be best assured.

Water Supply Capacity & Demand
Combined MCWA & RWW Systems



While reducing vulnerabilities to the production facilities seems obvious, the implementation of the Webster Plant will also greatly enhance the reliability of the water transmission system. The Genesee River bisects the service area. Roughly one-half of MCWA's demand occurs on each side of the river. With limited infrastructure available to cross the river, having the second major plant on the east side of the Water Authority's service area provides for reduced vulnerability of the transmission network as well as the production sources. Water produced by the City also must travel a great distance through

transmission mains that are very old (some of which were constructed in 1873). Recent experiences with tunnel and pipeline failures in the City's Upland and MCWA's transmission systems demonstrate the need and value of having robust redundancy in production and transmission.

4) Other Plants should be used

- a) Decentralized water production is better than one source.
- b) Its better to invest in other plants than to build one new one

Response:

The project's applications do present considerable evidence that the Water Authority's plans do include consideration of the security, reliability and redundancy factors for the region's, sources of supply and transmission (see No. 3, above).

The project is consistent with the State's objectives of promoting regional suppliers (ref: Genesee Sub-State Region Water Resource Management Strategy Report, NYSDEC, June 1987). The decision on the economic comparison of when to invest in rehabilitation vs. building new must be made on a case-by-case basis. There are clear economies of scale in capital intensive operations like water supply. Historically, in this region and across the nation, rehabilitation of smaller plants to meet equipment replacement needs and process upgrades to achieve compliance with new, more stringent water quality regulations has not proven to be the cost effective decision for many suppliers.

5) There has not been enough community input on the plan.

Response:

MCWA has had a consistent, and persistent, stream of actions that have disseminated information about the project to the interested and involved agencies, neighbors to the project and other public interest groups.

The project went through a full coordinated SEQRA review process, which included 32 Interested and Involved Agencies. It should also be noted that during this process articles and notices about the project ran in the local newspapers as well as in the State's Environmental Notice Bulletin. Public access to documents was made available at the Webster Public Library, Penfield Public Library, and MCWA General Offices. This very public process occurred over a period of twenty months.

- Full Environmental Assessment Form – May 5, 1995
- Established Lead Agency (MCWA) – June 5, 1995
- Positive Declaration requiring an Environmental Impact Statement (EIS) – June 12, 1995
- Formal Public Scoping Sessions July 13, 2005
- EIS accepted as complete by Lead Agency – April 22, 1996
- Public comment period and formal Hearing – June 3, 1996
- Final EIS filed – November 12, 1996
- MCWA Findings Statement – December 11, 1996

MCWA has proceeded on the project's implementation based on the coordinated review process and Findings.

Additionally, MCWA has undertaken numerous actions to maintain the flow of information through-out the implementation phases of the project. These have included:

- Public Information Bulletins
 - February 2006
 - June 2004
 - November 1996
 - May 1996
 - June 1995
- Public Information Meetings & Workshops
 - Public Workshop – March 9, 2006 (State Road Elementary School)
 - 2007 Monroe County Capital Budget - April 2007, including Public Information Meetings, March 7 (City), March 8 (Chili) March 9 (Perinton)
 - Presentation at Town of Penfield Board Meeting – August 11, 2005
 - 2006 Monroe County Capital Budget - April 2005, including Public Information Meetings (3 locations in county)
 - Farming interests group – August 2004
 - Lake Road Neighbors – June 28, 2004
 - 2005 Monroe County Capital Budget - April 2004, including Public Information Meetings (3 locations in county)
 - Information Meeting - June 3, 1996 (State Road Elementary School)
 - Information Meeting - June 25, 1996 (Penfield Town Hall)
- Individual meetings with property owners
 - Approximately 155 meetings with individual property owners (does not include telephone calls, letters nor emails).
- Meetings and Presentations to public interest groups
 - League of Women Voters
 - Environmental Management Council
 - Penfield Republican committee
 - Sierra Club committee
 - Webster Chamber of Commerce (3)
 - Sierra Club Environmental Education Fair
 - RIT's Liberty Hill Series (2)
 - UNICON
 - American Water Works Association (3)
 - Public Works Association
 - American Society of Civil Engineers
 - Association of Heating Air-conditioning and Cooling
 - Association of Engineering Technology Educators
- Publications
 - Rochester Engineer, September 2005
 - Press release (by Congressman Walsh) on EPA grant and what it means to the project: coverage on several local TV & newspaper - July 7, 2005

Hugh Mitchell, who states that the public comment period was too short, has failed to inform the Department that: 1) he was at a public meeting of the Monroe County Environmental Management Council in March 2005, where a full briefing, including a

question and answer period occurred, 2) MCWA paid for and staffed an informational booth and display at the Sierra Club's April 2005 Environmental Education Fair/Workshop, where information about the project was made available to the environmental community, and 3) that the Water Authority met with he and two other representatives of the Sierra Club and discussed their questions concerning the plant on January 2006 at the Water Authority's offices.

6) There is enough capacity at the current plant

Response:

The capacity and demand numbers referenced in the comments are either misapplied or misunderstood. An appropriate "apples-to-apples" reconciliation between finished water demands and withdrawal permits includes the accounting for the difference between: a) finished water and raw water and b) MCWA and City of Rochester demands. In terms of just MCWA demands vs. withdrawal permits, the following best represent that accounting:

Available Supply Capacity

Production Capacity (mgd)					
	MCWA Shoremont	City Uplands	MCWA Brockport	MCWA Corfu	Total
Withdrawal Permit	140	22 - 48 ¹	5.0	.2	167.2 to 193.2
Backwash	6	0 ²	0.25	0	6.25
Finished Water Production	134	48 (max.) 46 (actual) 22 (min.)	4.75	.2	161 - 187
City Allocation	40 ³	0 - 22	0	0	40 - 62
Available to MCWA	94	22 - 26 ⁴	4.75	.2	121 to 125

¹ Available supply is subject to a rule-curve. From 1991 to 2005 in the summer months of June – August (when peak capacity is needed) the withdrawal was limited to 40 mgd, or less, 45% of the time.

² City Uplands withdrawal permit is for the net after backwash is returned to Hemlock lake

³ City has rights to 40 mgd of finished water capacity from Shoremont supply

⁴ MCWA has rights to 26 mgd of finished water from the City Uplands supply



MCWA System Demand

The peak finished water demands of the MCWA system are 1.90 times the annual average. In 2005 the annual average day demand was 63.16 mgd (for reference, the 2004 and 2003 annual average day demands were 58.78 and 60.74 mgd, respectively). Thus, the current maximum day finished water needs are about 120 mgd ($63.16 * 1.90$).

Available Surplus

Therefore, MCWA has only a surplus capacity of 4% , or 5 mgd, which would not be considered excessive even if all of the other project justifications were ignored and the sole reason for implementation was capacity.

7) Additional potable water could be obtained from Xerox and Kodak.

Response:

These suggestions are not feasible. Xerox purchases water from MCWA, it has no independent supply. Kodak purchases its potable water from the City of Rochester and MCWA. It has a treatment plant that produces water for internal Kodak industrial processes and fire protection.

8) People on existing wells don't need public water.

Response:

People on wells do convert from private sources to public water for good reasons: water quality and contaminated aquifers, availability of an adequate quantity, fire protection and economics. Many mortgage companies require homes to connect to the public water supply if it is available.

9) MCWA should negotiate a new agreement with the City of Rochester

Response:

The Authority and the City have an existing Exchange agreement. The potential for different terms and conditions of future agreements does not alter the fundamental need for the project (see No. 1 and 4, above).

10) The concept of a joint cooling project should be discussed.

Response:

MCWA's applications and public information documents have clearly indicated that the additional facility components necessary to achieve the needs of the once proposed joint cooling project are not included in this work.

11) The discharge outfall should not be located near the intake

Response:

The outfall location is located approximately ½ mile away from the intake. MCWA has no process concerns with the outfall adversely affecting the intake (in-fact many water treatment plants across the nation directly return the backwash discharge to the head of the treatment process).

12) The project includes an new combined sewer overflow

Response:

No combined sewer over flow is proposed. Sanitary wastes from the plant will go to the municipal sewer (Town of Webster) and the Lake Water Pump Station will have a septic system

13) Location of construction spoils is inadequately described.

Response:

MCWA and the New York State Energy Research and Development Authority (NYSERDA) have partnered and conducted a LEED® certification - Green Building review of the project's design. The design has incorporated features to beneficially use excavated materials within the project features, such as berms, and to minimize the amount of materials that may be generated for off-site disposal. For any spoils generated, contractors will be required to develop plans for the use of excess spoils from the project in compliance with applicable laws and regulations. In the event project contractors do not have a cost-effective means to reuse the spoils generated, during the SEQRA process MCWA identified property it owns near the project site that can be used.

14) Where will excess treated water be stored?

Response:

The discharge of the treatment plant will connect to the existing transmission, storage and distribution system. The only new storage tanks required are at the Water Treatment Plant site. They are identified on the applications. The "clearwell" will have a capacity of about 1.8 million gallons (mg) and the backwash supply tank holds up to 1.5 mg of finished water for plant processing.

15) The project does not conform to the Waterfront Revitalization and Coastal Resources Act

Response:

We completed the consistency review with the NYSDOS; they concluded that the proposal "meets the Department's general consistency concurrence criteria." The NYSDOS further noted that "further review of the proposed activity by the Department of State, and the Department's concurrence with an individual consistency certification, are not required."

16) The plant is necessary to support growth, particular in communities surrounding Monroe County

Response:

MCWA agrees with this and the approval of the permit for the project is necessary to achieve that end result.

17) The plant is necessary in the case of potential disaster.

Response:

MCWA agrees with this and the approval of the permit for the project is necessary to achieve that end result.

18) MCWA installed a trench at 1800 Kennedy Rd.

a) Drainage near that trench will be a problem

Response:

MCWA did not install the referenced trench. The plans and permits call for the Water Authority to return the grade to the existing profile; as such the drainage will remain the same as it is today.

19) Trees that are removed should have replacements replanted immediately

Response:

The Water Authority's contractors will be required to adhere to restoration specifications, including requirements for soil stabilization and plantings

20) Wildlife habitat will be impacted.

Response:

Impacts to wildlife were evaluated during the SEQRA review process.

The following comments were received, but are not applicable to the Applications before the Department.

21) Water rates will increase to pay for the plant, which is not in the public best interest.

Response:

MCWA has stated that the rate payer will not experience rate increases significantly more than inflationary trends.

22) Sprawl

a) The plant will create sprawl.

b) MCWA is expanding into areas that should remain open space

Response:

In New York State the development of new residential, commercial and industrial uses is governed and controlled by local planning and zoning. Municipal land use controls, which govern the type and location of development, will remain the primary means by which communities manage sustainable growth.

23) The funds are better used to repair the City's water system.

Response:

The Water Authority's and City of Rochester's finances are separate. MCWA cannot gift funds to the City of Rochester.

24) Public moneys should be spent elsewhere

Response:

MCWA is a non-profit organization and can only utilize water revenues for water supply purposes.

**State Environmental Quality Review (SEQR)
(6 NYCRR Part 617)**

Findings Statement

Lead Agency: Monroe County Water Authority (the Authority)

Address: PO Box 10999
475 Norris Drive
Rochester, New York 14610-0999

Date: December 11, 1996

Pursuant to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law and its implementing regulations (6 New York Code, Rules and Regulations, [NYCRR] Part 617), the Monroe County Water Authority, as lead agency, makes the following findings.

Name of Action: East Side Water Supply Project (the "project") (P8-260000-00009)
MCWA File No. 95-001

Description of Action:

The Authority proposes to acquire easements (permanent and temporary) and other required property rights for, as well as; design; construct; and operate the following water supply system components utilizing Lake Ontario as a source:

- Lake water intake system
- Water treatment system
- Water transmission system
- Water storage system.

The purpose of these facilities will be to:

- 1) Provide a new source of drinking water supply to increase the capacity and reliability of the Authority's existing Shoremont Water Treatment Plant, transmission, and distribution facilities. The new water supply facilities will be developed in stages to an ultimate capacity of up to 100 million gallons per day (mgd).
- 2) Provide additional water storage and transmission capacity on the east side of Monroe County. The new storage capacity will be developed in stages to an ultimate capacity of up to 150 million gallons (mg).

The water supply components will be designed and constructed to allow for expansion of the system, as necessary, to meet increasing water supply demands. Based on current projections, no construction is

anticipated before the year 2000. It is yet to be identified whether the water treatment or storage components will be constructed first. Several singular or combination of events could affect or influence the timing or need for these components (e.g., new industrial customers, new water districts, new wholesale customers, etc.). Construction of either of the components would defer the need for the other component depending on the rate of growth of system demands. Property acquisition for the water supply system will commence following the completion of the SEQR and Agriculture and Markets Law Notice of Intent (NOI) processes.

Location:

Project facilities will be located in the Towns of Webster and Penfield, Monroe County, New York (Figure 1). The Town of Webster project area is generally defined as the area bounded by Salt and Basket Roads, and Lake Ontario. In the Town of Penfield, the project area is generally bounded by Salt, County Line, Watson-Hulburt, and Penfield (NYS Route 441) Roads. Water transmission line interconnections which extend westerly beyond Salt Road are also indicated on Figure 1.

Lake water intake system. Portions of the lake water intake system, such as the lake water intake tunnel and crib, will be located just east of a portion of Lake Ontario referred to as the Rochester Embayment. The Rochester Embayment is delineated by the indentation of the Monroe County shoreline between Braddock Point in the Town of Greece and Nine Mile Point in the Town of Webster.

In 1965, the Authority purchased property in the Town of Webster on the north side of Lake Road between Salt and Basket Roads for the purpose of developing new lake water intake facilities, a new Water Treatment Plant (WTP), and pumping facilities. This property presented on Figure 1, is the site of the proposed Lake Water Pumping Station (LWPS). The property includes a corridor (approximately 100 feet in width) which extends to the shore of Lake Ontario. The proposed intake tunnel will extend from the LWPS site, beneath this corridor and the lake, to the proposed intake crib site. The crib site will be located at a water depth of approximately 50 to 60 feet, approximately 5,000 to 6,000 feet from shore.

Water treatment system. As presented on Figure 1, the WTP will be located along the west side of Basket Road. The 43 acre site consists of sufficient acreage to construct a WTP similar in design and layout to the Shoremont WTP.

Water transmission system. The Authority proposes to install water transmission pipelines predominantly within off-road alignments. As presented on Figure 1, alignments extend primarily along the back of property lines (based on a review of tax maps and field reconnaissance) to avoid bisecting existing properties. It is understood that certain farming operations affected by this option may be divided into separate tax parcels with property lines having no significant meaning to the overall operation. Consequently, as necessary, the entire farming operation will be considered when developing final routing. The proposed alignments represent reasonable options for which minor horizontal adjustments to the east or west (north or south for interconnections) would not produce significantly different potential impacts than those considered in the FEIS.

Lake water supply pipeline (and process water return line). The lake water supply line (and

process water return line) will be constructed through "open country" between Salt Road and Basket Road from the LWPS to the WTP. The process water return pipeline would be located in parallel within the same ROW alignment.

Outfall. The process water return outfall will consist of two, 12-inch diameter pipelines installed on the bottom of the intake tunnel and embedded in concrete. A 16-inch diameter pipe will be installed within the vertical riser well to connect the outfall pipes to the process water return pipeline. The outfall pipes will extend from the riser well to a point approximately 1,500 to 2,000 linear feet from the shoreline. At this location, a lake tap similar to that proposed for the intake structure, will be installed adjacent to the intake tunnel. The two, 12-inch diameter vertical shafts will be used to discharge return water from the outfall to the Lake. A 90 degree elbow will be installed at the end of the vertical shaft to direct the outfall discharge horizontally and in a northerly direction (e.g., away from the shoreline). The discharge elbow will be equipped with a coarse grating to prevent debris from entering the outfall. The outfall discharge location has been selected to minimize potential interferences with recreational and commercial boat traffic.

Water transmission pipelines. The water transmission pipeline (treated water) will be constructed through "open country" between the WTP and the proposed reservoir. The alignments are presented in Figure 1.

Interconnections. The 24-inch to 36-inch diameter High Lift Pumping Station (HLPS) interconnection will extend south from the WTP along the 60-inch diameter water transmission pipeline, then east-west to a point of interconnection with the Authority's existing 20-inch diameter water main which currently serves the Xerox complex along Salt Road. The primary alignment for the interconnection will generally extend south along the rear property lines between Salt and Basket Roads to the Rochester Gas and Electric (RG&E) property (formerly owned by the New York Central Railroad (RR)) where the pipeline alignment will turn west, paralleling the RG&E property line, crossing Salt Road, and extending approximately 800 feet to the point of connection to the existing 20-inch diameter water main.

To minimize to the extent practicable impacts to existing agricultural resources (e.g., vineyard), the 42-inch to 48-inch Sweets Corners Road interconnection will extend east-west from the proposed 42-inch to 48-inch north-south water transmission pipeline within the public ROW of Sweets Corners Road and adjacent permanent easements to a point of interconnection with the Authority's existing 42-inch transmission main located west of NYS Route 250. Under high demand situations, this line will serve to convey water from the water storage facility to the Authority's existing system. Under low demand situations, water will be conveyed through this pipeline from the Authority's existing system to the water storage facility.

Water storage system. As presented on Figure 1, the reservoir and Booster Pumping Station (BPS) will be located on the Authority's Penfield site. The 137 acre site is located at the northwest corner of the intersection between Penfield and Watson - Hulburt Roads.

Date Combined Final Environmental Impact Statement (FEIS)/NOI filed:

November 13, 1996

Facts and Conclusions in the EIS/NOI Relied Upon to Support the Decision:

The following enumerated facts and conclusions are derived from the FEIS/NOI, including the Draft Environmental Impact Statement (DEIS)/preliminary NOI, written comments and the public hearing record. They are set forth herein as the basis of the Authority's decision and document the environmental, social, economic and other factors and standards used by the Authority in making this decision.

I. Scope of Review

1. In accordance with the requirements of SEQR and the Agriculture & Markets Law, the FEIS/NOI contains:

- a concise description of the proposed action, its purpose, public need and benefits, including social and economic considerations;
- a concise description of the environmental setting of the areas to be affected, sufficient to understand the impacts of the proposed action and alternatives;
- a statement and evaluation of the potential significant adverse environmental impacts and the reasonable likelihood of their occurrence including:
 - a) reasonably related short-term and long-term impacts, cumulative impacts and other associated environmental impacts;
 - b) those adverse environmental and agricultural impacts that cannot be avoided or adequately mitigated if the proposed action is implemented;
 - c) irreversible and irretrievable commitments of environmental and agricultural resources that would be associated with the proposed action should it be implemented;
 - d) growth inducing aspects of the proposed action;
 - e) impacts of the proposed action on the use and conservation of energy;
 - f) impacts of the proposed action on solid waste management; and
 - g) impacts of public acquisitions of lands or interests in land or funding for non-farm development on lands used in agricultural production and unique and irreplaceable agricultural lands within agricultural districts pursuant to Subdivision 4 of Section 305 of Article 25AA of the Agriculture and Markets Law.
- a description of mitigation measures;

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- a description and evaluation of the range of reasonable alternatives (including the no action alternative) to the action that are feasible, considering the objectives and capabilities of the Authority;
 - the action's consistency with applicable coastal policies contained in 19 NYCRR 600;
 - an evaluation of reasonably foreseeable catastrophic impacts to the environment; and
 - copies of comments received during the course of the public comment period, hearing transcript and the Authority's responses to substantive comments.

II. Project Impacts

The FEIS/NOI identifies both short-term, construction-related activities and long-term impacts associated with the operation of the facilities. Mitigative measures which would eliminate or minimize the potential for adverse impacts were identified where applicable. Potential impacts evaluated consisted of the following:

1. Geology
 - potential impacts to subsurface and surface conditions;
 - potential impacts to lake bottom conditions; and
 - potential impacts to unique geologic features.
2. Water Resources
 - potential impacts to ground water resources;
 - potential impacts to surface water resources; and
 - potential impacts to unique water resource features.
3. Air Issues
 - potential impacts from climatic conditions; and
 - potential impacts to air quality.
4. Terrestrial Ecology
 - potential impacts to habitats (including wetlands) and species (including endangered or threatened).
5. Aquatic Ecology
 - potential impacts to the Lake Ontario ecosystem;
 - potential impacts to other aquatic ecosystems (e.g., streams); and
 - potential impacts from zebra mussels (and zebra mussel control measures).

6. Agricultural Resources

- potential impacts to the agricultural setting (including crops, access, operations, etc.);
- potential impacts to the agricultural district;
- potential impacts to agricultural soils; and
- potential impacts to agricultural drainage systems.

7. Transportation

- potential impacts to the existing highway network; and
- potential impacts to lake transportation and navigation.

8. Existing Land Use and Zoning

- potential impacts to existing land uses and zoning; and
- potential impacts from past land uses.

9. Community Services

- potential impacts to water supplies;
- potential impacts to education facilities;
- potential impacts to police and fire protection services;
- potential impacts to recreational facilities;
- potential impacts to solid waste management; and
- potential impacts to public utilities.

10. Demography

- potential impacts to population; and
- potential impacts to the existing employment and tax base.

11. Cultural Resources

- potential impacts to historic and archaeological resources;
- potential impacts to aesthetics; and
- potential noise impacts.

III. Project Mitigation

The action is one that avoids or minimizes adverse environmental and agricultural impacts to the maximum extent practicable. Adverse environmental and agricultural impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to these findings those mitigative measures that were identified as practicable in the FEIS/NOI. Compliance with relevant regulations, incorporation of design features, and acquisition of permits from involved agencies have also been considered.

1. Geology

To minimize or eliminate the potential to adversely impact existing geologic resources, the following mitigation will be implemented:

- Contractors will be required to comply with the Authority's standard Erosion and Sedimentation Control (E&SC) measures including:
 - a) Steep slope areas will be avoided to the extent practicable. Slopes exceeding 15% will require special treatment such as water diversion berms, or the use of erosion control matting (e.g., jute matting or excelsior blankets).
 - b) The amount of bare soil exposed at one time will be minimized to the extent practicable.
 - c) Fill and spoil areas will be selected to avoid excessive siltation.
 - d) Berms, dikes and drains will be used, as necessary to prevent water flow.
 - e) Earthworks will be periodically inspected to detect evidence of erosion and sedimentation with corrective measures implemented as necessary.
 - f) Erosion control will occur as required, and immediately following (weather permitting) completion of the site work and clearing.
 - g) Installation of hay/straw mulch and jute matting, or 100% biodegradable straw blankets, or 70% straw/30% coconut fiber blanket depending on the severity for potential erosion.
 - h) Installation of rip-rap or erosion control matting at the bottom of drainage ditches and disturbed stream beds.
 - i) Installation of silt fencing, hay bales, and other sediment traps on steep slopes.
 - j) Installation of temporary sediment basins near streams to prevent stream siltation.
 - k) Temporary erosion control devices, including culverts, drains, bridges, and mats will be removed from the site when deemed appropriate.
 - l) The subsoil will be properly graded and scarified before topsoil is added. Loosening the soil surface where heavy equipment has been used by means of contour furrowing, imprinting with dozer, or scarification will facilitate subsequent vegetative growth or plantings.

- m) Contractors will be required to backfill excavations to the original ground surface level unless otherwise directed.
- Excavation areas will be filled according to site-specific standards (e.g., agricultural land, wetlands) with suitable materials and compacted to minimize site alteration.
- Blasting will be performed in accordance with 27 Code of Federal Regulations (CFR) 55; Occupational Safety Health Act - 29 CFR 1910.109; 29 CFR 1926.900-1926.914; New York State Department of Labor -Code Rule 39; Federal Motor Carriers Act - Safety Regulations, 49 CFR 397; New York State Department of Transportation (NYSDOT) regulations; US Bureau of Mines guidelines, and other applicable regulations. In addition, a qualified inspector will be on-site to supervise the blasting operations.
- A pre-blast survey of the pipeline route will be conducted. The pre-blast survey will include additional land-based borings and compressive strength tests to fully define the required blasting procedures.
- To prevent scour of the lake bottom at the site of the intake, intake grating will be located approximately 10 to 15 feet above the lake bottom. The placement of rip-rap around the base of the crib will further minimize the potential for turbidity.
- To eliminate potential impacts to the shoreline bluffs and winter ice conditions, and in consideration of safety issues, the process water return outfall will consist of two, 12-inch diameter pipelines installed on the bottom of the intake tunnel and embedded in concrete. A 16-inch diameter pipe will be installed within the vertical riser well to connect the outfall pipes to the process water return pipeline. The outfall pipes will extend from the riser well to a point approximately 1,500 to 2,000 linear feet from the shoreline. At this location, a lake tap, similar to that proposed for the intake structure, will be installed adjacent to the intake tunnel.

2. Water Resources

To minimize or eliminate the potential to adversely impact existing water resources, the following mitigation will be implemented:

- Tunnel lining systems will be used, as necessary, to mitigate potential ground water inflows during construction and operation phases. Tight sheeting or liner plates may be used to support the soil overburden, which can be sealed against water infiltration. If necessary, pervious zones behind the sheeting may be sealed with cement grout to prevent inflow as the excavation is advanced. It may also be practical to grout the altered bedrock zone before beginning excavation by drilling bore holes and injecting cement grout from the ground surface. In very extreme situations, temporary excavation support may be accomplished using concrete diaphragm walls that can be socketed into intact bedrock and made impervious to surrounding ground water.

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- During pipeline trenching operations, contractors will be required to provide and maintain proper and satisfactory means and devices for the removal of water in such a manner that is in accordance with applicable regulations. Low permeability "trench plugs" will be used, as necessary, to limit the migration of ground water within the bedding and backfill materials after construction.
 - Ground water inflows encountered during tunnel excavation will be pumped to the surface through the riser well and into a temporary sedimentation pond located at the LWPS site prior to being discharged to Lake Ontario. The release of this water to Lake Ontario will be subject to review and approval by the New York State Department of Environmental Conservation (NYSDEC) pursuant to State Pollutant Discharge Elimination System (SPDES) regulations.
 - The Authority will work with the Town of Webster, NYSDEC, New York State Department of Health (NYSDOH) and residents to design, permit and obtain contingency bids for the extension of the Town's water supply system to residents along the lake shore prior to the initiation of project-related construction activities.
 - The Authority will continue the periodic monitoring of private wells near the LWPS site during the final design and construction phases of the project.
 - Should ground water be encountered during installation of the pipeline along easements located adjacent to Gloria Drive Landfill, the pipeline may be installed within a berm. Under this scenario, little or no trenching along this portion of the route would be necessary.
 - Construction periods within Lake Ontario will be kept to a minimum. It is anticipated that the intake crib will be prefabricated and readied for placement. The activities within Lake Ontario will be limited to placement and alignment of the crib and outfall and "lake tapping" activities.
 - Newly installed water supply facilities will be disinfected to meet New York State health standards. Contractors will be required to dechlorinate water to levels less than 0.02 ppm utilizing one of the following Authority, American National Standards Institute (ANSI) and American Water Works Association (AWWA) approved methods to eliminate the potential for environmental impacts:
 - a) Chlorinated water is conveyed to a retention basin or holding tank until the residual is less than 0.02 parts per million (ppm).
 - b) Sodium thiosulfate is added to the water in an amount which will reduce the chlorine residual to less than 0.02 ppm. Sodium thiosulfate is an approved drinking water compound. Sodium thiosulfate and the products resulting from the reaction with chlorine will not harm the environment.
 - c) Chlorinated water is placed in a tank truck and removed from the site for disposal elsewhere in a manner approved by the Authority.

- Construction sites will be protected from puddling or running water. The Authority will require its construction contractors to grade project sites to drain. Slopes at surface water crossings or drainage ways will be protected by installing rip-rap, sand bags, or by the use of erosion control matting as conditions require.
- Excavations will be kept free of water. To allow sediment to settle out of water before such water enters surface waters, de-watering operations will pump water as far from surface waters as practicable. Settling basins and plastic filter fabric may be used to achieve environmental objectives, as necessary. Care will be taken not to damage or kill vegetation by excessive de-watering or by damaging silt accumulation in the discharge area.

3. Air issues

To minimize or eliminate the potential to adversely impact existing air resources, the following mitigation will be implemented:

- The Authority will adhere to regulatory guidelines and conditions relating to seasonal influence and climate (e.g., avoidance of fish spawning seasons, Lake Ontario-based activities).
- The contractor will be required to develop a program to minimize dust generation by installing and maintaining filters, covers, wetting, as appropriate, sweeping on paved surfaces and mulching in unpaved areas.
- Traffic leaving staging and construction sites will be required to have excessive dirt removed from wheels before entering public roadways.

4. Terrestrial ecology

To minimize or eliminate the potential to adversely impact existing terrestrial ecology, the following mitigation will be implemented:

- Contractors will clear only those areas required for access to the site and execution of work. Those areas are limited to permanent and temporary easements and Authority-owned property.
- Vegetation of material size or accumulated mass that could float or obstruct any pipe or waterway will be removed.
- For areas to be cleared, the contractor will cut or remove trees, saplings, brush and vines, windfalls, logs and trees lying on the ground; dead trees and stubs; partially uprooted trees including their stumps; and other vegetation such as snags, leaves, sawdust, bark and refuse.
- For clearing, the contractor will be required to cut trees, stumps and stubs as close to the ground surface as possible, but no more than 6 inches above the ground surface in the case

of small trees (3 inches diameter at breast height, DBH); and no more than 12 inches in the case of larger trees (3 inches DBH and greater). Saplings, brush and vines will be cut off at the ground level.

- In areas to be grubbed, the contractor will remove stumps and root systems to a depth of 12 inches as measured from the existing ground surface or the proposed finished grade, whichever is lower.
- The contractor will remove material collected in the course of clearing and grubbing except that which is to become the property of others.
- To the extent practicable, the Authority will prohibit damage of vegetated areas beyond the extent necessary for construction. On the LWPS, WTP and BPS sites, impacts to the permanently cleared area will be minimized with vegetative plantings such as ornamental shrubs. It is anticipated that these plantings will provide some replacement cover for potentially displaced wildlife.
- Areas along the road and off-road alignments will be cleared of vegetation during installation of pipelines. However, clearing will be minimized to a width that will allow for construction equipment movement and excavated material storage along the right-of-way (ROW). Clearing will not exceed the required construction ROW. Construction activities conducted in sensitive areas will be limited to a restricted work space (approximately 50 feet) by utilizing sheeting and bracing materials to minimize the width of the trench excavation and/or by hauling and stockpiling excavated materials to a remote location.
- Erosion of exposed soil during rain storms and snow melts will be mitigated by the placement straw bale dikes and/or silt fencing along the construction corridor.
- The construction corridor will be evaluated for areas of merchantable trees. Merchantable trees, for the purpose of this evaluation, are trees greater than 12 inch DBH existing in stands of sufficient quantity as to warrant harvesting for sale (unless alternative arrangements with landowners dictate otherwise). It should be noted that trees greater than 12 inch DBH will be avoided to the extent practicable, especially in regulated wetland areas.
- Techniques to mitigate damage to surrounding wooded areas near the construction corridor include tying back overhanging tree branches and limbs; the use of proper pruning techniques for trees damaged during construction; and protecting the trunks of trees near the construction corridor. Loss of forested habitat will be mitigated by allowing regrowth of disturbed areas to within a 20 foot width along the pipeline route. In addition, thickets can be strategically planted along the permanent ROW to provide security. Although forested habitat cleared along the 20 foot corridor will be changed permanently, it is anticipated that edge type habitats will form along the transition from the permanently cleared corridor to the surrounding forested areas.
- With the exception of agricultural district lands, slash produced from the clearing of vegetation on the ROW will be temporarily stockpiled on the construction ROW in areas that

will not be easily visible from surrounding roads and homes. In areas where there is an excess of slash, the slash will be chipped and used as mulch for ground cover, except in agricultural fields, with the excess hauled away at the completion of construction activities. Hardwood will be made available to landowners for use as firewood, unless otherwise requested by the landowner.

- In accordance with NYSDEC policy, the Authority will minimize potential impacts to wetlands through avoidance to the maximum extent practicable. Work within state (including 100 foot buffer zone) and federal wetlands will require permits. In addition to any permit conditions imposed, the Authority will require its contractors to implement the requirements set forth in its standard contract documents and performance specifications. These guidelines include:
 - a) Limited construction crews will be utilized.
 - b) The contractor shall place excavators and other heavy equipment on timber mats and conduct excavations from these, or similar, mats. Heavier equipment will be diverted around sensitive wetland areas to the extent practicable.
 - c) Suitable erosion control devices will be constructed with double-staked bales of straw and silt fencing, along the ROW line prior to the work. The straw bales will be maintained until the permanent vegetation is established in those areas disturbed during construction. The straw bales are to be removed after vegetation is established.
 - d) No refueling, oiling, or greasing of construction equipment will be allowed in the wetland or buffer zone.
 - e) In the event of spillage of petroleum products within the wetlands or buffer zone, prompt remedial action will be taken to stop, contain, and remove any spilled materials.
 - f) Excess spoils will be removed in their entirety off-site in an amount proportionate to the volume of the pipe and any bedding material installed. The original ground contour surface elevations will be maintained.
 - g) ROW widths in wetlands or buffer zones will be restricted to the narrowest practicable.
 - h) Trench plugs will be installed at both ends of the construction area to prevent "french draining" of the wetland along the trench.
 - i) The wetland should be restored to the original grade and seeded with reed canary grass or other seed mix suitable for wet soils.

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- j) Clearing of wetland vegetation in the construction ROW will be limited to the minimum width required for pipe laying crews to install the pipeline. Vegetation in wetland areas will be cleared manually, leaving roots intact to allow for re-sprouting. The removal of tree stumps will take place in the trench area only. Stumps outside the trench will be left intact. Heavier construction equipment will be diverted around sensitive wetland areas to the extent practicable.
 - k) Trees in wetland ROW areas greater than 12-inch DBH will be flagged prior to clearing and construction activities. Subsequent to flagging, the pipeline route will be adjusted so as to minimize the number of 12-inch DBH and larger trees to be removed. Mature trees that do not require removal, but are within the proximity of construction activities will be managed in accordance with appropriate pruning and maintenance requirements.

5. Aquatic ecology

To minimize potential impacts on the Lake Ontario ecosystem, design of the intake structure will consider the following:

- The intake structure should not interfere with the migratory patterns of fish movements in a manner likely to direct them into the zone of the intake.
- The intake design will incorporate features to prevent the entrapment of large schools of fish. To achieve this objective, inflow near the intake must be made heterogenous and the intake velocities must not exceed the swimming capability of fish of concern. Intake grating will be approximately 30 feet wide by 5 feet high and will be located on each side of the crib. To prevent scour of the lake bottom, the intake grating will be located approximately 10 to 15 feet above the lake bottom. The intake crib will be designed to provide a maximum entrance velocity of 0.5 feet per second at 100 mgd. The low entrance velocity of the intake crib will minimize the potential for fish entrainment. As requested by the NYSDEC, the Authority will consider the use of passive screens at the intake. A study will be conducted during operation of the facility to evaluate the levels of impingement and entrainment of foraging fish.

Mitigative measures that will minimize impacts of construction activities on aquatic habitats along water transmission pipeline alignments include:

- The use of erosion control devices such as straw bale dikes and silt fencing and stabilization devices such as rip-rap and vegetative plantings.
- Water transmission routes will be selected to minimize the need for stream crossings. Whenever necessary, stream crossings will be performed, to the extent practicable, perpendicular to the stream channel. In addition, the following measures will be implemented:
 - a) To minimize disturbance of the life cycle of resident upstream trout populations,

stream crossing activity on the tributaries of Fourmile Creek (ONT 99-1 and ONT 99-1-1) will be avoided between October 1 and June 15. In addition, efforts will be made to conduct the crossings during dry weather to minimize the potential for sediment contamination. Weather conditions will be monitored prior to crossing so that should heavy rain be forecasted, construction activities can be postponed or rescheduled.

- b) Refueling of equipment and handling of hydraulic or engine fluids will not be permitted within 100 feet of streams. Absorbent booms will be stored on-site during construction in case of a leak or spill.
- c) Installation of trench breakers and diversion berms as needed to avoid erosion of trenches.
- d) Placement of silt fencing and hay bales on stream banks as needed.
- e) Leaving stream banks intact until trenching activities are to commence.
- f) Use of erosion control matting on stream bottoms for construction vehicles and machinery.
- g) Placement of temporary silt fencing in streams during trenching activity.
- h) Locating spoil piles away from stream banks. Should insufficient space be available, spoil will be transported off-site.
- i) Protection of slopes by installing erosion control matting or equivalent technology as conditions demand.
- j) Pumping of muddy and silty water from trench or boring locations into adjacent silt fencing and hay bales prior to release into stream.
- k) Once construction activity in and around a stream segment is complete, restoration of the stream bank will commence. Grades will be returned to original levels unless otherwise directed. Exposed bank soils will be seeded, mulched, and secured as conditions require such that banks are returned to pre-construction conditions as soon as possible. Shrubs such as willow and dogwood will be planted in areas in need of further bank stabilization.

Control of zebra mussel colonization (and additional biogrowth) will be accomplished through:

- The seasonal application of sodium hypochlorite and potassium permanganate or other approved oxidants at the intake crib. These chemicals will be pumped from the LWPS to the crib via feed lines running the length of the intake tunnel.

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- Additional chemical feed lines will be installed as part of the intake tunnel construction to provide for application of additional chemicals should it become necessary to control other biological organisms at the intake crib.
 - Design of the proposed outfall will require water to be passed through a diffuser at a rate sufficient to prevent zebra mussel larvae from settling. Manual scraping, resulting in increased maintenance costs, might also be necessary.

Impacts from zebra mussel control technologies will be minimized through the use of:

- Sulfur dioxide to provide dechlorination and a reduction of potassium permanganate. If necessary, sulfur dioxide or an acceptable alternative can be used to reduce effluent concentrations to acceptable levels that will be developed as part of the SPDES permit process.

6. Agricultural resources

To minimize or eliminate the potential to adversely impact existing agricultural resources, the following mitigation will be implemented:

- Agricultural activities temporarily impacted by construction activities will be allowed to continue after restoration efforts are completed except at the Authority's Penfield Road property. For this site, the Authority will continue to discuss with municipal officials options (e.g., soccer fields and other recreational uses) relating to the future use of lands not utilized for the water storage facilities. As previously identified, and separate from possible public uses, is the continued leasing of these lands for agricultural activities.
- Pipeline installation activities through agricultural district lands will be short-term with restoration activities completed soon after. Scheduling of efforts will be coordinated with farm owners to minimize potential disruptions to farm operations (e.g., crops, dairy farms, nurseries). Crop loss resulting from project-related activities will be compensated by the Authority.
- To minimize potential impacts to vineyard operations, the Authority will install a portion of the Sweets Corners Road Interconnection within the highway ROW. Use of this mitigation measure would require a highway permit from the Town of Penfield.
- Construction and restoration activities within agricultural districts will be accomplished in accordance with New York State Department of Agriculture and Market's (NYSDAM's) "Minimum Construction Standards for Water/Sewer Transmission Mains Located Wholly or Partially in an Agricultural District". The standards "cover practical agricultural issues" including: pipeline depth-of-cover, topsoil protection, waste stone/rock materials, soil rutting and compaction, existing and future farm drainage, and other related facilities. Implementation of these standards will reduce or eliminate the potential for significant adverse impacts. Sufficient ROW width will be acquired (construction and permanent) to allow for implementation of these standards.

To mitigate potential agricultural soil impacts, NYSDAM standards identify the following guidelines:

- a) In agricultural land, the minimum depth-of-cover from restored ground surface to top of the buried pipe will be 4.0 feet.
- b) For pipelines of eight inches and larger diameter constructed in agricultural land, the full-width topsoil stripping practice will be employed over the construction ROW.
- c) The topsoil will be stripped down to the top of the subsoil zone for the contiguous width of the construction work/traffic area, trench zone and trench spoil storage area.
- d) The stripped topsoil will be segregated from other materials in a segregated stockpile on top of un-stripped topsoil at the far edge of the construction ROW on the side opposite from the trench and spoil side.
- e) The trench will be backfilled with the excavated spoil material and compacted during backfilling to minimize trench settling.
- f) Topsoil will not be used as trench backfill and will remain in its segregated stockpile until deep ripping and stone removal work is completed.
- g) Blasted or excavated bedrock, boulders and concentrations of excavated stone or rock materials will not be returned to the trench any closer than 24 inches from the exposed work surface of the stripped portion of the ROW. The remainder of the backfill will be limited to suitable subsoil material, backfilled up to the top of the exposed work surface. Excess waste rock/stone materials will be removed from the site.
- h) During periods of relatively low to moderate subsoil moisture, the exposed ROW will be returned to rough grade; deep ripped with a heavy duty ripper; and, alternatively deep chiseled and rock-picked until uplifted stone/rock materials of four inches and larger size are cleaned off the site and disposed properly.
- i) After the initial subsoil ripping, chiseling and stone removal has been completed, the segregated topsoil materials will be uniformly spread across the stripped portion of the ROW.
- j) Topsoil spreading will be conducted during periods of low to moderate soil moisture to avoid rutting, mixing and re-compaction of the soil profile. Topsoil spreading will not be conducted during periods of saturation or frozen ground.
- k) After topsoil replacement, final subsoil shattering will be conducted throughout the disturbed ROW to a depth of 18 inches. Large, uplifted rock materials will be picked

from the surface and disposed properly.

- l) Final subsoil shattering and rock removal will be conducted during periods of low to moderate soil moisture and not during periods of saturation or frozen ground.

To mitigate potential agricultural drainage system impacts, NYSDAM standards identify the following guidelines:

- a) Existing drainage systems affected by pipeline installation activities will be protected and their function maintained by temporary fluming.
 - b) Earthen berms of existing surface drainage systems (e.g., diversion terraces) should not be breached. Where breaching is unavoidable, the earthen berm will be fully restored by engineering methods and materials consistent with the specifications of the Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service).
 - c) Maintaining original gradient, severed tile drain lines will be repaired using methods and materials consistent with the standards of the NYSDAM. Repairs and protective pipe sleeving or supportive channel irons will be shouldered firmly at least three feet beyond the limit of the pipeline trench excavation.
 - d) Such measures as subsurface intercept drain lines will be used (as necessary) to prevent surface seeps and the seasonally prolonged saturation of the backfilled trench zone and adjacent areas.
- Due to the length of time between the completion of the SEQR and NOI processes and anticipated construction, agricultural issues will be reviewed with the NYSDAM and the agriculture mitigation plan adjusted (as necessary) to incorporate changes, revisions, and technological advances developed over the interim.
 - During negotiation of easements, the Authority will discuss specific agricultural concerns with property owners. Potential discussion issues may include mitigation for: fencing (existing or temporary), future drainage systems, maintenance of access, specialty crops, crop loss compensation, livestock, construction scheduling. These issues will be taken into account during the development of final water transmission route alignments.
 - The Authority will coordinate installation activities within agricultural soils with the Soil and Water Conservation District. The Authority will also consider the use of out-of-house inspection services during the design and construction phases of the project.

7. Transportation

It is the general policy of the Authority to maintain safe and continuous through traffic (pedestrian and vehicular), ingress and egress for adjacent owner driveways, service roads and public streets throughout the period of construction. Consequently, a traffic plan for the project area will be

developed as the project design progresses and prior to the initiation of construction activities. The objectives of this plan are to minimize traffic volume and impacts to traffic flow and roadways. In developing this plan, the Authority will consult with state, county and town officials to identify construction traffic routes which account for safety, capacity, and structural considerations/conditions. Generally, the Authority requires its contractors to:

- Acquire applicable permits from the state, county and/or town to work within ROWs or gain temporary or permanent access to the highways in the project area.
- Submit written notice to the state, county and towns at least five days before construction within a ROW begins. Specifications for the method of construction within the highway ROW will be determined by the applicable municipal agency. Use of highway ROWs will also require coordination with local fire and police services so that the quality of service to the community is not impacted.

The Authority will require contractors to comply with the regulated design requirements for access roads.

- Complete work within the Highway ROW to the full satisfaction of the various departments of public works involved.
- Allow inspection by state, county or municipal authorities as the work progresses.
- Implementation of a traffic management program complying with the local guidelines and the New York State Manual of Uniform Traffic Control Devices (MUTCD). As applicable these measures include:
 - a) Post mounted traffic control and informational signs.
 - b) Traffic cones and drums, flares and lights.
 - c) Flagpersons.
 - d) Work zone warning signs.
- Limit vehicular parking allocated to construction workers to project staging and laydown areas. Contractors will be responsible for controlling construction-related parking to prevent interference with public traffic and parking, and access by emergency vehicles. Parking on or adjacent to access roads or in non-designated areas will be prohibited.
- Provide trained and equipped flagpersons to regulate traffic when construction operations or traffic encroach on public traffic lanes and shoulders.
- To use flares and lights during hours of low visibility to delineate traffic lanes to guide traffic as specified in the MUTCD.

-
- Installation, as necessary, of traffic signs in conformance with Part 201 of the MUTCD at crossroads, detours, parking areas, and elsewhere, as needed, to direct construction and affected public traffic. Signs will be relocated as work progresses to maintain effective traffic control.
 - To remove, from the project area, equipment and devices no longer required for construction purposes.

The Authority will consult with contractors and with municipal officials in establishing public thoroughfares to be used for excavate/spoils haul routes and site access. Construction traffic will be confined to the designated haul route. In addition, traffic control will be provided at critical areas of the haul route to minimize interference with public traffic (as necessary). Construction contractors may be required to:

- Increase the number of axles on trucks used to haul tunnel excavate material and trench spoils out of the project area. Additional axles will increase the distribution of weight over the entire length of the vehicles resulting in a reduction in the potential for structural damage to the roadway.

The Authority will be responsible for any necessary repairs resulting from construction-related damage incurred during implementation of the project. To discern the impacts resulting from the project construction activities from existing conditions, the Authority intends to:

- Record (photograph and videotape) existing, pre-construction road conditions and review pre-existing conditions with the appropriate highway officials. Roadways which are damaged during construction will be repaired or replaced and left in equivalent or better condition than observed prior to construction. As previously stated, the Authority will consult with the municipality of jurisdiction prior to the initiation of construction or mitigation activities. When necessary, state, county, or municipal standards of use and restoration will be incorporated into remedial efforts.

Use of the Supervisory Control and Data Acquisition (SCADA) system will reduce staff requirements at the LWPS, WTP and BPS facilities. Consequently, as stated in the DEIS, significant operation-phase impacts to traffic flow will not occur, nor will improvements to existing transportation facilities be necessary.

To mitigate potential impacts to lake navigation in the vicinity of the lake water intake, the Authority will require marine contractors to comply with applicable laws and regulations restricting and regulating:

- The anchoring or mooring of vessels.
- Inspection and registration of vessels.
- Aids to navigation (e.g., buoys, beacons or other fixed objects in the water used to mark the work zone).

- Lighting.
- Noise levels.
- Other requirements, as specified by the NYSDEC, US Coast Guard or other applicable agencies to promote safe navigation.

Compliance with these regulations and guidelines will promote the safe and continued navigability of the area surrounding the lakeward construction zone. In addition, prior to construction start-up, a notice to mariners will be submitted to the US Coast Guard for publication. The notice will include information regarding the location and duration of construction zones. The location of the intake crib will be mapped by the Charting and Geodetic Services of the National Oceanographic and Atmospheric Administration (NOAA).

8. Existing land use and zoning

To minimize or eliminate the potential to adversely impact existing land use, the following mitigation will be implemented:

- Design of the lake water intake and outfall system components will be consistent with New York State coastal management policies. Implementation of the project will not significantly impact local land use plans.
- Implementation of the project will not impact the ability of towns to control development.
- As identified in the DEIS, segments of the pipeline that are located within a reasonable distance of the Gloria Drive Landfill or existing ground water monitoring system could be installed in a berm should the need arise (e.g., ground water inflows). In general, there will be a need to contain ground water flow along pipe sections in the vicinity of the landfill. *In lieu* of the berm, this can be accomplished by installing trench plugs at specific locations along the pipe trench to impede flows. It may be necessary to take measures that will minimize any tendency for ground water to migrate toward or collect in the completed pipeline trenches. Special backfill materials or ground modification procedures may be required to accomplish this objective. The use of a berm falls within this type of mitigation.
- The contractor will not enter or occupy with workers, tools, materials or equipment any land other than that owned (and permitted) by the Authority or the designated ROW and easements without the written consent from the property owner. The Authority requires contractors to:
 - a) Provide and maintain necessary security, barricades, lights and warning signs and take necessary precautions for the protection and safety of the public, the owner, and property.

-
- b) Maintain adequate protection of completed work from damage and take reasonable precautions to protect the public's and the owner's property from injury or loss arising from construction activities.
 - c) Exercise extreme care to prevent damage to trees, flowers, and shrubs. Prior to construction, the contractor will install snow fencing to protect trees and plantings as necessary.
 - d) Keep driveways open and in good condition.
 - e) Replace or re-erect fences and guard rails taken down or disturbed as a result of construction activities.

Reasonable compensation will be made by the Authority for any damage that cannot be restored, repaired or otherwise remedied, to the owner of the property caused by the Authority in constructing, maintaining, operating or repairing Authority facilities. Compensation for easements will be based on appraisals specific to the area or parcel. If the property owner prefers that the Authority remove merchantable trees, an appraisal developed during pre-construction activities will be used as the basis for compensation. Lawns, fields and driveways will be restored to their original condition if damaged during construction or operation phases. The mitigation of these types of impacts is considered standard in the water works industry and part of the Authority's normal operating procedures.

9. Community services

To minimize or eliminate the potential to adversely impact existing community services, the following mitigation will be implemented:

- During installation of water transmission pipelines, it will be necessary to cross existing municipal and Authority water mains. Should circumstances arise, whether by intent or by accident, which would require an interruption of customer service, the contractor will be required to implement the following plan:
 - a) The contractor shall in no case cut off or interrupt the flow of water through any main unless specifically permitted, in writing, by the owner of the water facility to do so. In any case, shutdowns of mains or individual water services will be handled expeditiously with customers typically notified in writing 24 hours prior to shutdown.
 - b) Necessary labor, materials, and equipment must be in place prior to any shutdown.
 - c) The municipality will be notified as to the area shut down, the duration of the shutdown, and when service is restored.
 - d) In the event of a rupture to a water main, be it related to project activities or not, the contractor will act according to guidelines listed in the "Care and Protection of Property" section of the Authority's contract documents and standard specifications

manual.

- e) The Authority and the municipal public works departments will be notified of necessary shutdowns and contractor personnel will go door to door to notify affected customers.
- The traffic plan and identification of construction traffic and haul routes will consider existing school bus routes to minimize potential disruptions.
- Construction and implementation of the project will not adversely impact existing police and fire protection services within the project area. As previously stated, installation of the water transmission pipelines within highway ROWs will require coordination with local fire and police protection services. Additional or upgraded services will not be necessary as a result of construction or operation of project components. However, the following general performance standards will be incorporated into the construction management plan:
 - a) Contractors will be responsible for providing and implementing construction site security measures. In addition, facilities will be designed to meet federal, state, and local building code requirements including the National Fire Codes and New York State Uniform Fire Prevention and Building Code of 1989.
 - b) Construction phases of the project require the on-site storage and handling of fuel, oil, chemicals and other potentially harmful substances. The precautions used to control storage, handling, and transport of these materials in order to avoid spills consist of:
 - Motor fuel oil, chemicals, and other toxic substances will be tightly sealed while being transported and in storage. Containers of such materials will be stored in locked enclosures, and empty containers will be disposed of in permitted off-site disposal areas or recycled to the distributors in accordance with existing regulations.
 - Fuel will be stored at the equipment staging areas, and as much equipment as practical will be refueled there. Equipment which must be refueled in the field will be fueled from tanks transported to the work site by truck. The trucks will be equipped with spill control devices.
 - To the extent practicable, no equipment refueling will be done beneath trees, within drainage areas, or within 100 feet of any stream, wetland, spring or well.
 - If spillage should occur, the NYSDEC will be notified and the affected areas will be cleaned up immediately in accordance with regulatory requirements. Should a heavy fuel or oil spill occur, the contaminated soil will be removed from the work site and disposed of in a permitted landfill in accordance with

existing regulations. Enough absorbent powder and/or absorbent booms, pads, or sheets to handle possible fuel or oil spills will be stored at the equipment staging areas. These spill control devices will be present at stream crossings for immediate use in the event of a spill.

- Equipment known to be leaking fuel, oil or fluids will be taken out of service and adequate steps taken to handle the spilled materials.
 - Herbicides will not be used.
 - Blasting materials will be stored in accordance with section B.1.a. of the Public Service Commission's Environmental Management and Construction Standards and Practices (EM&CS&P).
- The Authority will be responsible for maintaining the permanent ROW along the water transmission pipeline alignment. Within off-road alignments the Authority will allow limited vegetative growth to return to the permanent ROW. The Authority will remove subsequent growth if it is deemed to prohibit the operation of the water supply system. Deep rooted growth will not be allowed over the pipelines. To minimize nuisance complaints along the ROW (e.g., trespassing along ROW corridors through woodlots), access to off-road portions of the ROW will be hindered by the strategic placement of landscaping (e.g., thickets) and/or barriers (e.g., fences, berms [using excavate]). This issue will be addressed with property owners during easement negotiations.
 - The project schedule will reflect efforts to minimize impacts to seasonal recreational facilities. Specific measures are discussed below:
 - a) The Webster Country Club is included within the limits of Monroe County's Northeastern Agricultural District No. 3. Consequently, impacts to the existing soil profile and vegetation will be mitigated in accordance with the NYSDAM's standard procedures for operating in agricultural districts.
 - b) The routing of the water transmission pipeline alignment extends along the boundaries of lands owned by the Town of Webster (i.e., the park and arboretum). The Authority will continue discussions with Town officials regarding potential mutual benefits (e.g., use of excavate material, irrigation) if the pipeline is installed along the park's western property boundary.
 - c) The Authority does not anticipate impacts that would impede the recreational use of Lake Ontario (e.g., boating, fishing). The Authority will comply with applicable regulations relating to navigational safeguards on Lake Ontario.
 - e) The portion of the HLPS Interconnection west of Salt Road may be constructed within the public ROW of NYS Route 104 (the Seaway Trail). A highway permit will be obtained prior to the initiation of construction. However, as described in the DEIS, this portion of the highway is elevated; construction of the pipeline would

involve a trenching operation along a transect well below the grade of the highway. Consequently, potential short-term visual impacts from construction activities would be minimal.

- f) The Authority will continue to discuss with the Town of Penfield the potential use of remaining undeveloped lands at the Authority's Penfield Road site for recreational activities (e.g., soccer fields).

Construction and operation of the project will not adversely impact existing solid waste management services in Monroe County. The following measures will be implemented:

- A majority of the surplus rock and soil material generated during construction and not used on respective sites upon which it was generated will be used constructively at the reservoir site and along portions of the pipeline route as berm material. The proximity of these alternatives to the point of generation offers significant cost savings. The remaining material (if any) will be managed off-site in accordance with applicable regulations. Authority use of the material on other non-project related activities will be promoted to the extent possible.
- Construction and demolition (C&D) debris generated during construction consisting of concrete, bricks, masonry, wood, rubble, dirt, asphalt, rock, lumber, drywall, piping, non-asbestos insulation, and wiring will be managed in strict accordance with applicable regulations. This will include transport of the material by a licensed and permitted hauler to a facility permitted to receive such wastes; reuse of recyclable material will be stressed.
- Commercial wastes generated during operation of the WTP, LWPS and reservoir will be managed in strict accordance with applicable regulations. Materials generated will be hauled by a licensed, permitted waste hauler to a facility permitted to receive such wastes.
- WTP residuals will be managed in strict accordance with applicable regulations. Materials generated will be hauled by a licensed, permitted waste hauler to a facility permitted to receive such materials.

Potential impacts to existing utilities are similar in nature; therefore the following general guidelines will be followed:

- To protect underground utility and public works facilities encountered in the field, identification of underground utilities will be conducted in accordance with 12 NYCRR 53 Construction, Excavation and Demolition Operations at or near Underground Facilities (Underground Code Rule 53). Field marking of facilities (stake-outs) will be coordinated through Underground Facility Protective Organization (UFPO) before construction of facilities and pipelines begin.
- The Authority's contractors will be required to protect existing utility facilities (e.g., gas mains, telephone and power conduits and poles, sewers, drainage, cable, fiber optics and other similar facilities). Work near these facilities will be in accordance with the utility company's requirements, rules and regulations. If any utility is damaged during construction,

the contractor will be required to notify the applicable utility or municipality involved so that proper inspection and repair can be made.

- Wastewater management services at the LWPS and reservoir/BPS will likely consist of on-site septic systems. These systems will be designed and constructed in accordance with applicable local building and sanitary code requirements. No impact to existing wastewater management services in the area is anticipated. As a result, no mitigation measures are required.
- As discussed in the DEIS, sanitary discharges to the Town of Webster sanitary sewer network from the WTP will be minimal and insignificant. As a result, no mitigation measures are required.
- In accordance with the Authority's contract documents, contractors will be required to locate existing septic systems (leach fields, tanks, distribution boxes) prior to excavation and replace or repair them if they are damaged by construction activities.
- In areas where municipalities have located or plan to locate water or sewer pipelines, the Authority will coordinate installation of pipelines with the municipal public works department. As necessary, special provisions will be incorporated into the final design of the proposed Authority pipelines to accommodate existing and proposed municipally-owned underground utility crossings. These provisions may include installation of casing pipes above or below the Authority pipelines to provide a means of installing future utility lines. The Authority will consult with municipal officials, as necessary, during the design phases and prior to the construction phase of the project. Vertical separation between the proposed pipelines and the existing storm or sanitary sewers will be pursuant to the applicable NYSDOH regulations and policies.
- Overhead service lines to individual homes are typically located within the roadway ROWs. Caution will be exercised by the Authority and its contractors while working in the vicinity of overhead service wires. As necessary, contractors will utilize RG&E's standard guidelines. These standards will be used during installation of pipelines in areas of electric power lines.

10. Demography

No significant adverse impacts to population, existing employment and tax base were identified. Therefore, no mitigation measures are necessary.

11. Cultural resources

No significant adverse impacts to existing historic or archaeological resources were identified. Therefore, no mitigation measures are necessary. If cultural resources are found during construction, additional consultation with State Historic Preservation Office (SHPO) will be required.

Mitigating potential visual impacts created by the development of previously undeveloped lands will

be accomplished through the incorporation of architectural and landscape design features. These features are more specifically described below. The Authority has, and will continue to, consult with municipal officials on design issues.

- Construction of the LWPS on the Authority's Lake Road property would allow for an approximately 50 foot buffer of existing trees and brush to remain along the site perimeter. Although it will not generally be visible to passers-by, the above-grade portion of the LWPS and screen building will have the architectural appearance of a residential home. These portions of LWPS will most likely be constructed of concrete block and brick for ease of maintenance.
- The screen building will also most likely be constructed of concrete block and brick and will be provided with an architectural finish consistent with the LWPS. With the exception of developed areas, cleared areas on the LWPS site will be allowed to re-vegetate. Landscaping and berms will be used as necessary to further reduce visual impacts.
- Along off-road segments of the water transmission pipeline alignment, care will be taken in visually sensitive areas to avoid creating continuous "tunnel" views of the ROW. Curvilinear routing will be employed where practicable to break up long views. Cleared sections will be allowed to re-vegetate as described in the DEIS to minimize impacts to ROW clearing.
- To the extent possible, the exterior appearance of the WTP process units will be designed to blend with the surrounding architecture. Currently, it is envisioned that there will be a brick facade on the front of the headworks building and pre-cast concrete panels on the other exterior walls of the headworks and filter buildings. The headworks building is also anticipated to have an entrance vestibule and elevator. The drying beds will be perceived as earthen berms from the entrance. A certain amount of landscaping can be done to screen the berms from public view. Decorative landscaping will be featured around the buildings and parking facilities.
- Construction of a surface impoundment type reservoir at the Penfield Road site will minimize aesthetic impacts by minimizing the height of the structure. In addition, by using earthen berms to construct the impoundment, the reservoir will blend in with the surrounding topography. Landscaping will be designed to further minimize aesthetic impacts.
- Lighting structures or equipment will be necessary at project facilities to satisfy safety and security considerations. As currently proposed, it is anticipated that high pressure sodium lighting will be used, as necessary, on the structures and in the parking areas and along access roadways. The lighting will be of the "cut off" type to prevent spill-over from the site boundaries. Lighting at the LWPS and reservoir will be on an as-needed activation (i.e., not dusk to dawn lighting). Lighting configurations will be more fully developed as part of the final design of the project.

The following steps will be taken to limit noise impacts during the construction phase of the project:

-
- Engine powered construction equipment will be properly muffled and maintained to avoid excessive noise.
 - Loud equipment will be turned off when not in use.
 - Construction noise abatement methods (such as concrete barriers) will be considered where appropriate.
 - The Authority will conduct a pre-construction meeting with area residents and representatives to discuss construction activities. Construction activities in areas proximal to identified sensitive receptors (dairy farms, residences, churches) will be scheduled to minimize potential noise impacts.

Based on the Authority's experiences with the existing Shoremont Water Treatment Plant, pumping stations, and storage facility components, it is not anticipated that the proposed facilities will create operating noise levels that would adversely impact the project area. Operational noise levels at these facilities do not exceed municipal or Occupational Safety and Health Administration (OSHA) standards. Mitigative measures will be incorporated into the facilities' design to facilitate noise reduction. These include:

- Compliance with existing OSHA standards.
- Insulation and sound-absorbing tiles.
- Landscaping berms and plantings.
- The installation of a majority of the LWPS equipment below grade.

IV. Unavoidable adverse impacts

In addition to potential short-term impacts, unavoidable adverse impacts which are expected as a result of project implementation were identified and evaluated. These consist primarily of localized impacts which will affect the project area and its vicinity. The following impacts are described in the DEIS and FEIS/NOI:

- Slight and temporary disruption of lake bottom sediments during installation of the intake crib.
- The alteration of existing shrubland and wooded habitats resulting from construction of the LWPS (<29 acres), WTP (~14 acres), reservoir (~34 acres) and installation and maintenance of the water transmission pipeline ROWs (~34 acres; 3 of which are NYS freshwater wetlands). No critical habitats or endangered or threatened species will be impacted. Other areas disturbed (e.g., cropland, old field, mowed lawn, etc.) will be restored and/or allowed to re-vegetate to pre-existing conditions within the limits of the Authority's easement restrictions.
- Short-term, localized impacts to air quality in the form of fugitive dust from construction activities. The control of dust by water spraying will reduce emissions by approximately 50%.

- Operation of construction equipment and vehicles will increase exhaust emissions.
- Temporary, localized increase in noise levels resulting from various construction activities. Noise impacts will be minimized through the use of equipment mufflers, barriers, and construction activity scheduling.
- A loss of approximately 60 agricultural district acres on the proposed 137 acre reservoir site. The parcel is currently owned by the Authority and leased for agricultural use. Remaining acreage after construction may continue to be leased for this purpose.
- Temporary impacts to agricultural soils and drainage systems during installation of the water transmission pipelines and interconnections.
- Installation of the water transmission pipelines and interconnections may require the Authority to compensate landowners for lost crops. Authority staff will meet with landowners during easement negotiations to discuss specific scheduling and farm management concerns.
- Temporary and localized impacts to the existing traffic network during construction phases.
- Temporary visual impacts during site clearing, equipment staging and construction activities. Permanent visual impacts resulting from the addition of new structures on formerly undeveloped parcels.
- Increases in storm water runoff resulting from the addition of impervious surfaces at the LWPS, WTP and reservoir/BPS sites. These increases in storm water volume will be offset by the contact basins, settling basins, freeze/dry beds and the reservoir. With adequate storm water detention, a decrease in the rate of runoff from these sites is expected.
- The irreversible and irretrievable commitment of land, water, material, energy and financial resources.

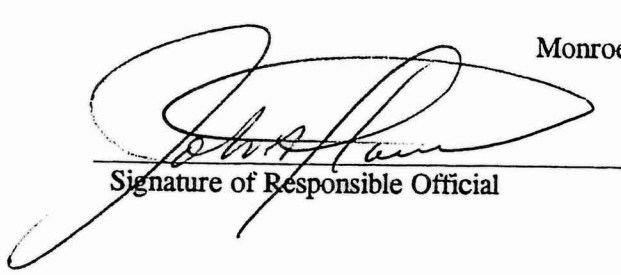
Certification of Findings to Approve/Fund/Undertake:

Having considered the DEIS, FEIS/NOI, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR Part 617, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met;
2. Consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the action approved is one which minimizes or avoids adverse environmental and agricultural impacts to the maximum extent practicable; including the impacts disclosed in the FEIS/NOI; and
3. Consistent with social, economic, and other essential considerations, to the maximum extent

practicable, adverse environmental and agricultural impacts identified in the FEIS process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

Monroe County Water Authority



Signature of Responsible Official

John A. Stanwix

Name of Responsible Official

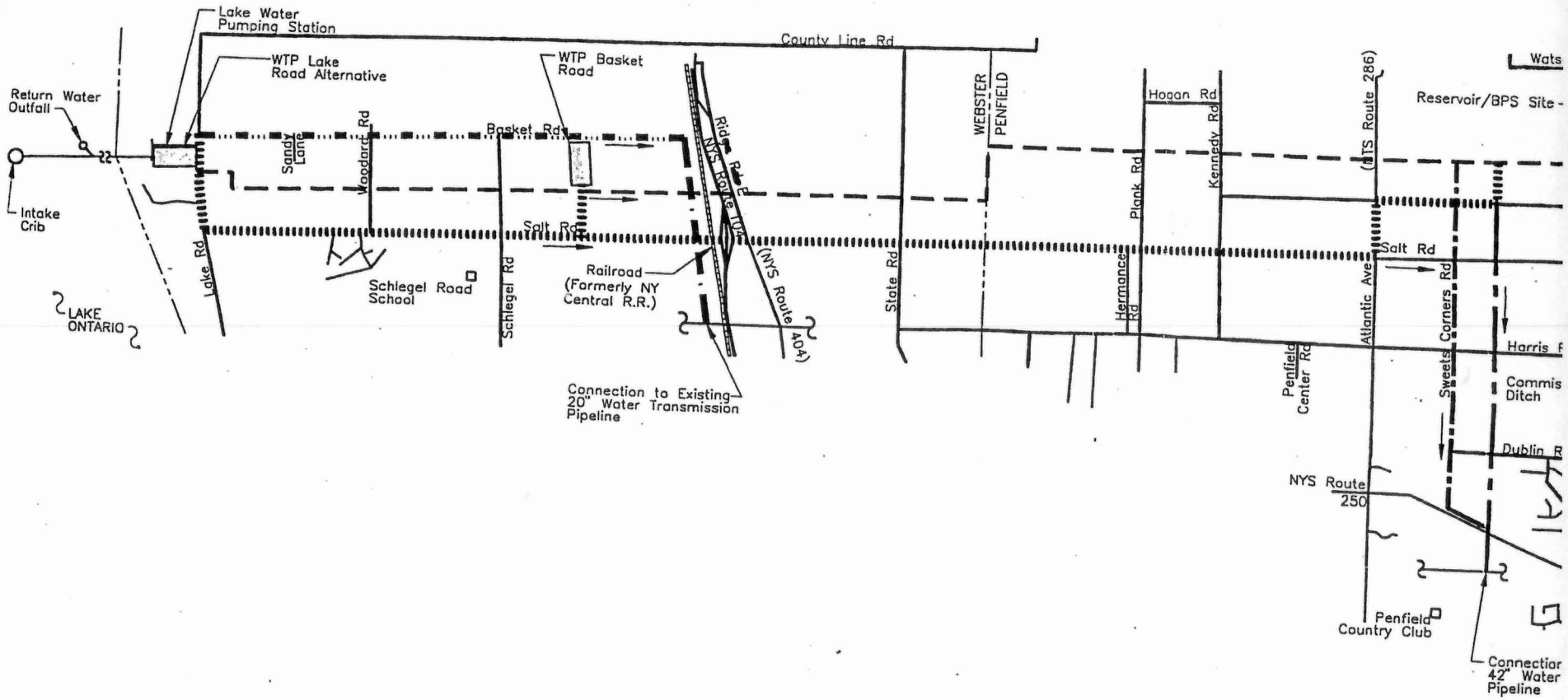
Executive Director

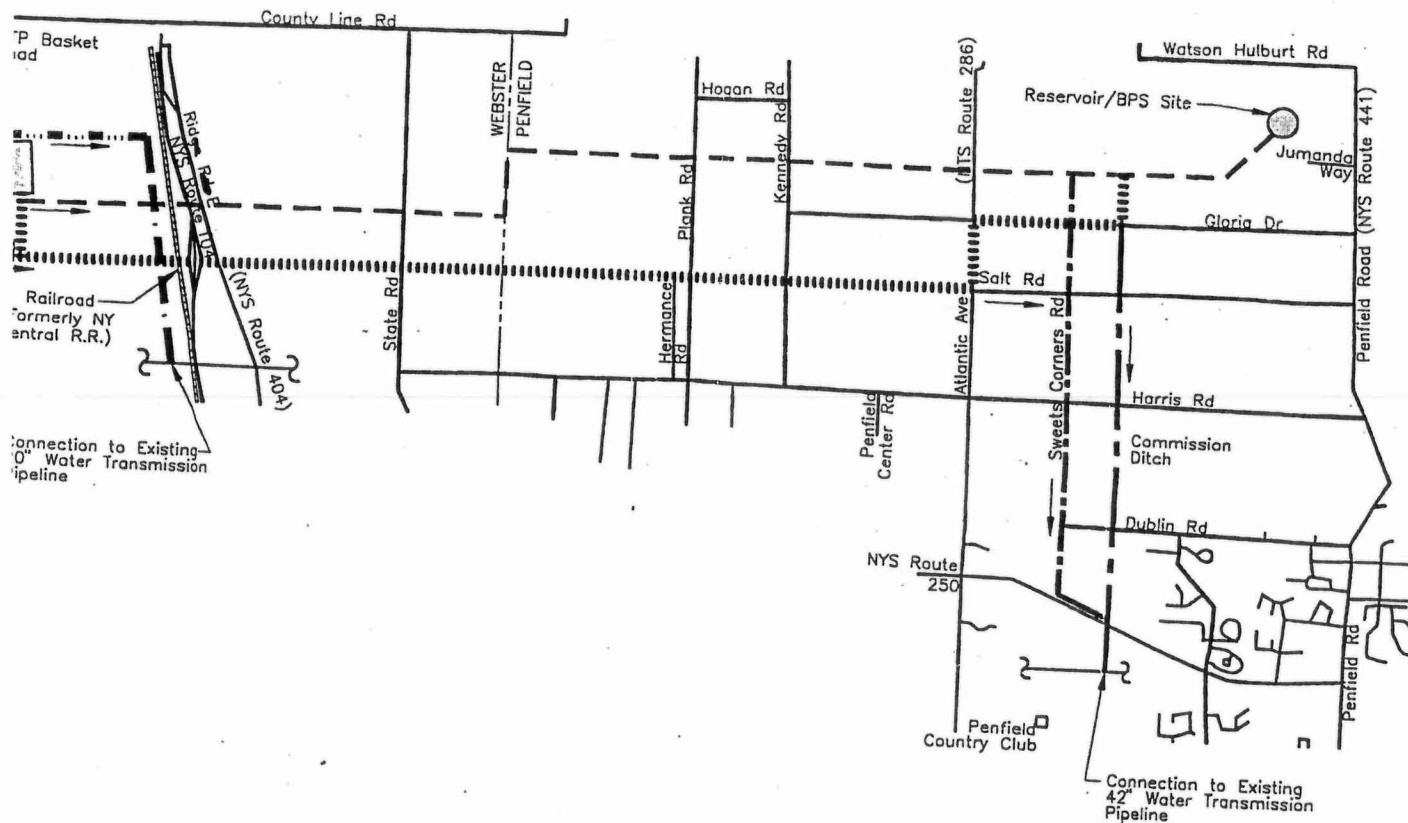
Title of Responsible Official

December 11, 1996

Date

PO Box 10999
475 Norris Drive
Rochester, New York 14610-0999





LEGEND

WATER TRANSMISSION PIPELINES

PROPOSED ROUTE

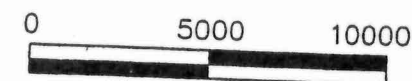
- OFF ROAD ALIGNMENT
- SWEETS CORNERS RO, INTERCONNECTION
- HIGH LIFT PUMPING STATION INTERCONNECTION

ALTERNATIVE ROUTES

- SALT ROAD ALIGNMENT
- BASKET ROAD ALIGNMENT
- SWEETS CORNERS ROA INTERCONNECTION (SOUTH ALIGNMENT)

MONROE COUNTY WATER AUTHORITY EAST SIDE WATER SUPPLY PROJECT

PROJECT AREA



SCALE IN FEET

FILE NO. 868.056-033P

MONROE COUNTY WATER AUTHORITY
EAST SIDE WATER SUPPLY PROJECT

LIST OF INVOLVED AND INTERESTED AGENCIES

Federal Agencies¹

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Buffalo, New York 14207

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Webster, New York 14580-2917

Angelo Arcoleo, Chairperson
Town of Webster Planning Board
Town Hall
1000 Ridge Road
Webster, New York 14580

William Rampe, Chairperson
Town of Webster Zoning Board of Appeals
Town Hall
1000 Ridge Road
Webster, New York 14580

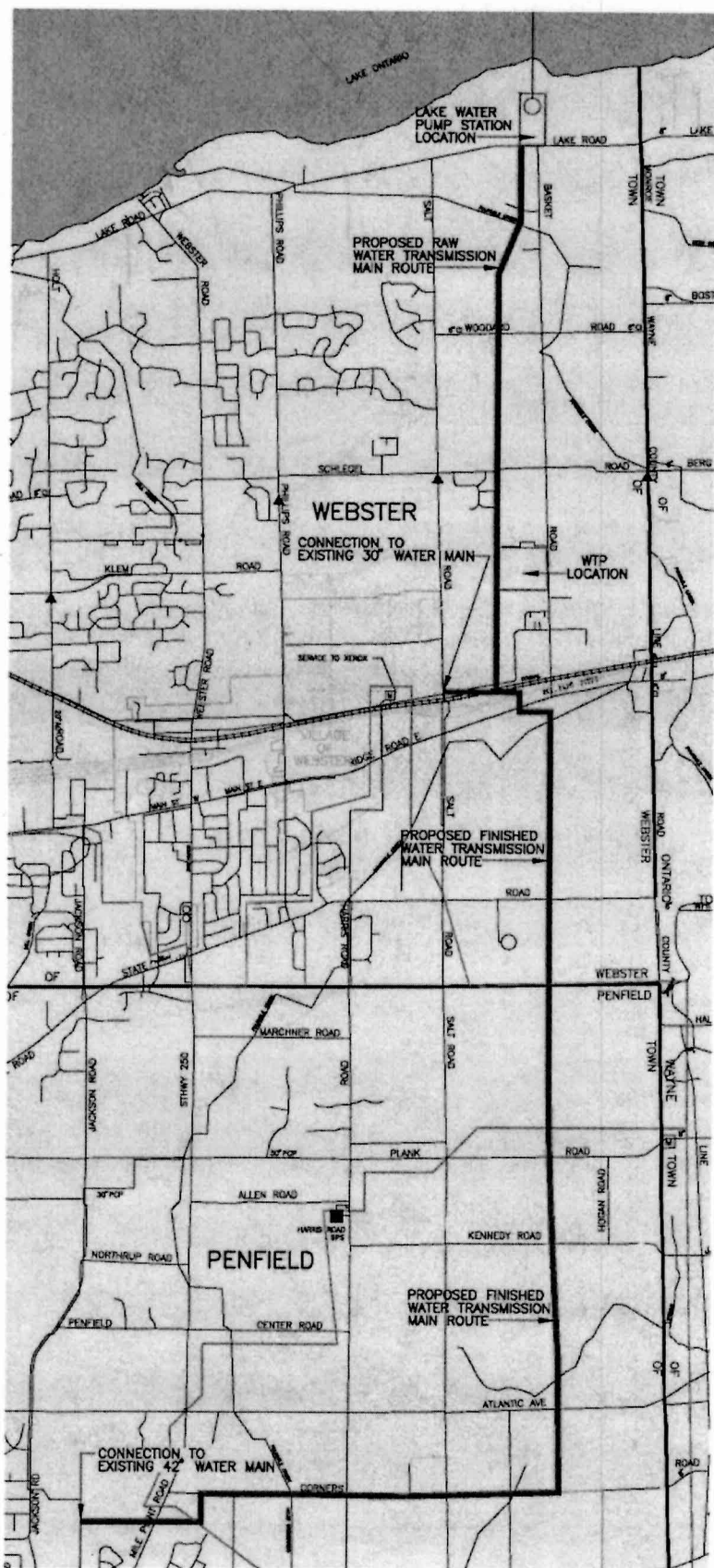
Barry Deane, Superintendent of Highways
Town of Webster Highway Department
1005 Picture Parkway
Webster, New York 14580

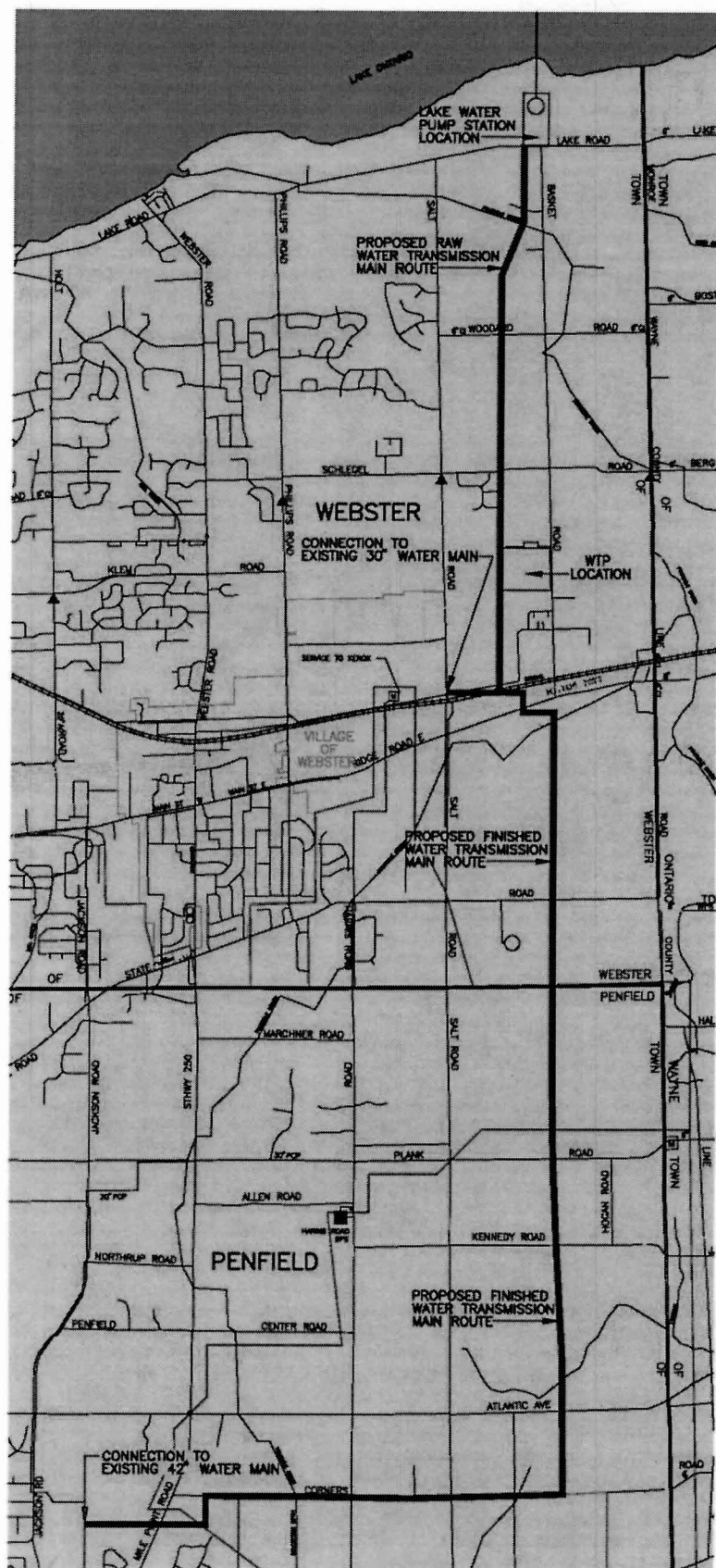
Gary Kleist, Commissioner
Town of Webster Public Works Department
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Webster, New York 14580

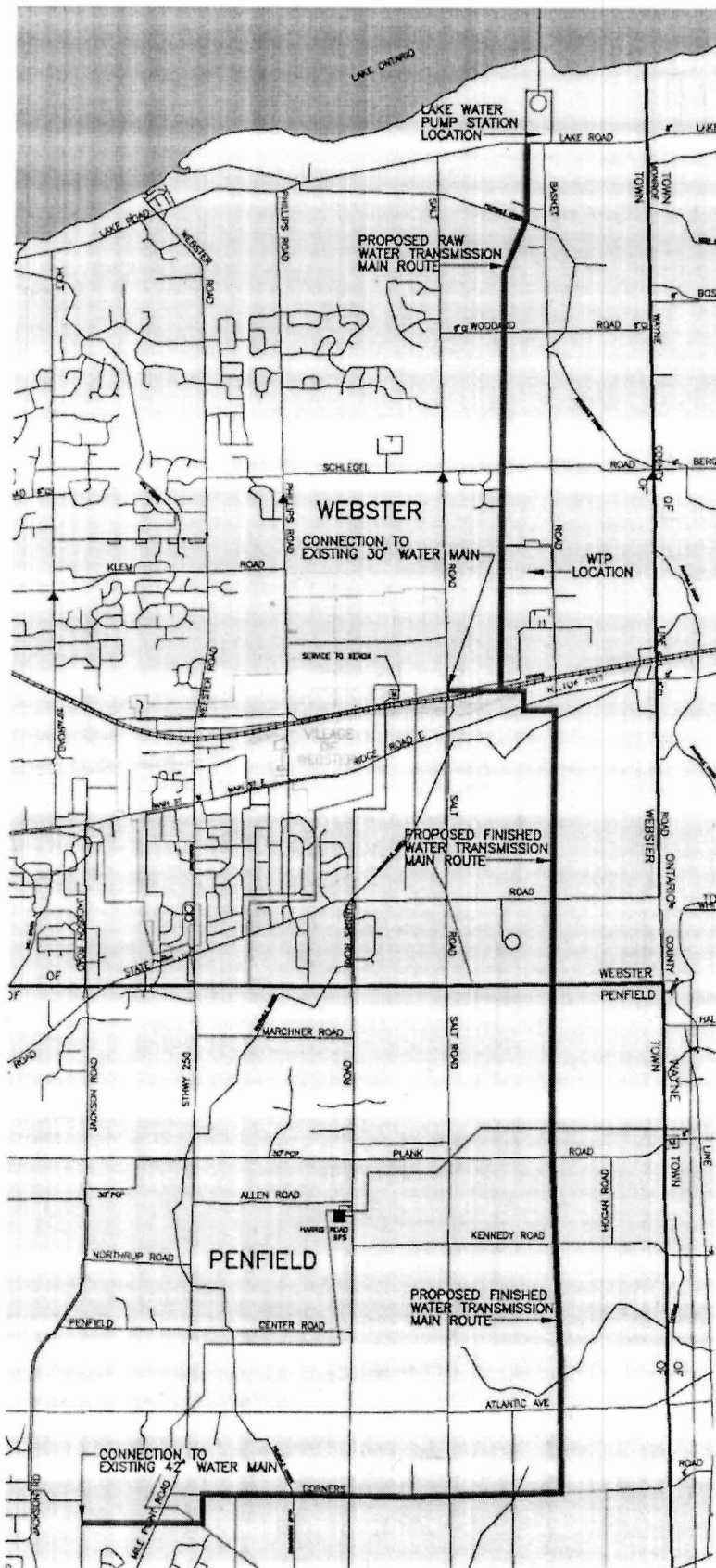
Channing H. Philbrick, Supervisor
Town of Penfield, Town Hall
3100 Atlantic Avenue
Penfield, New York 14526

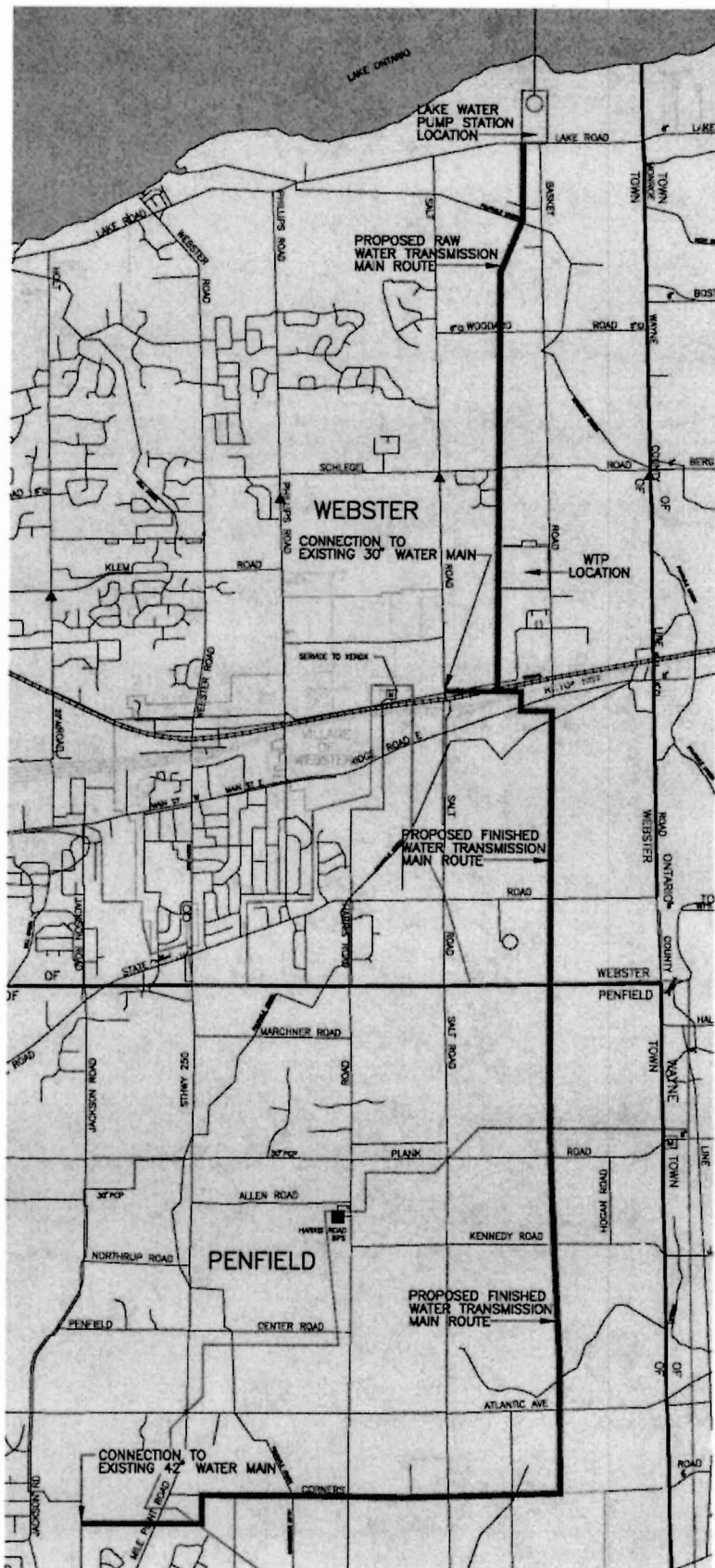
Walter Peter, Chairperson
Town of Penfield Planning Board
Town Hall
3100 Atlantic Avenue
Penfield, New York 14526

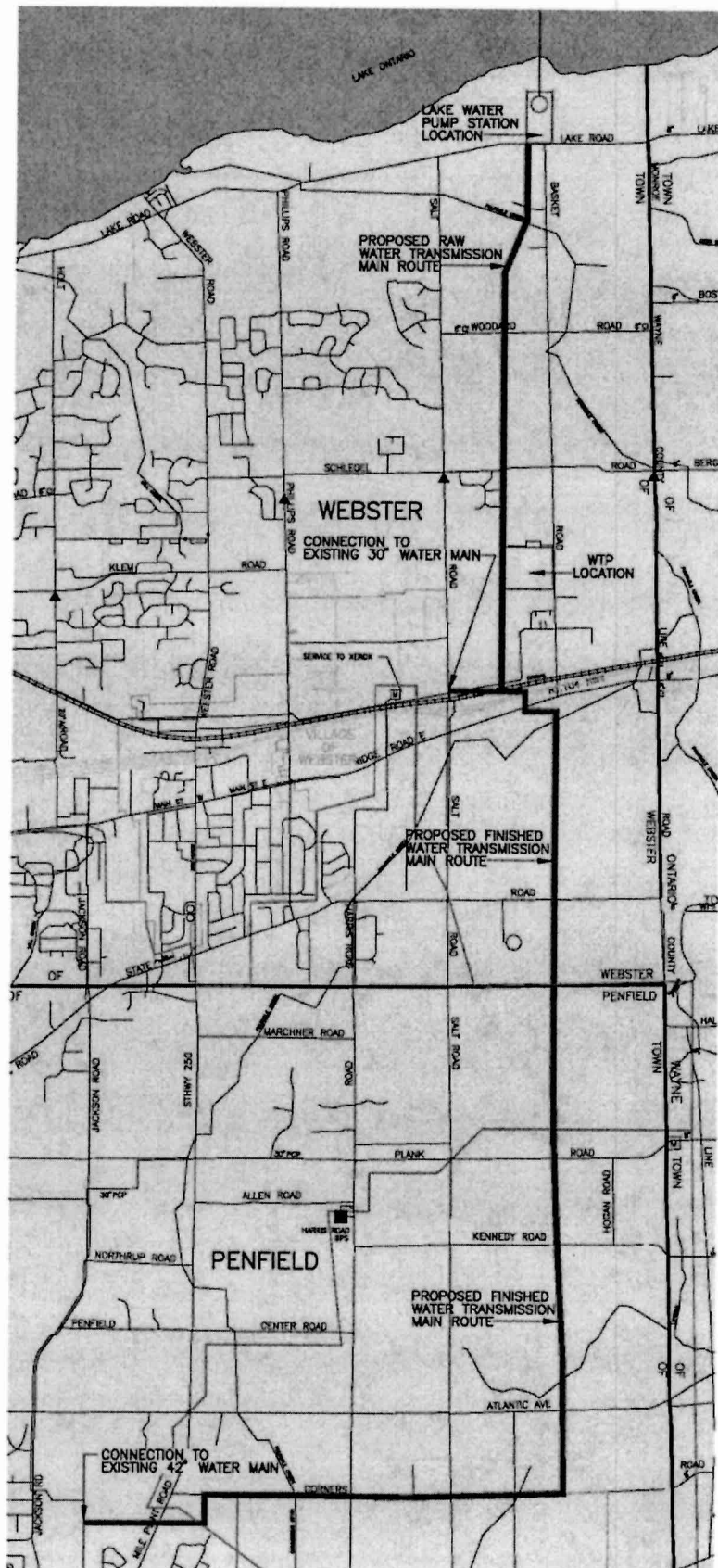
James Grossman, Chairperson
Town of Penfield Zoning Board of Appeals
Town Hall
3100 Atlantic Avenue
Penfield, New York 14526







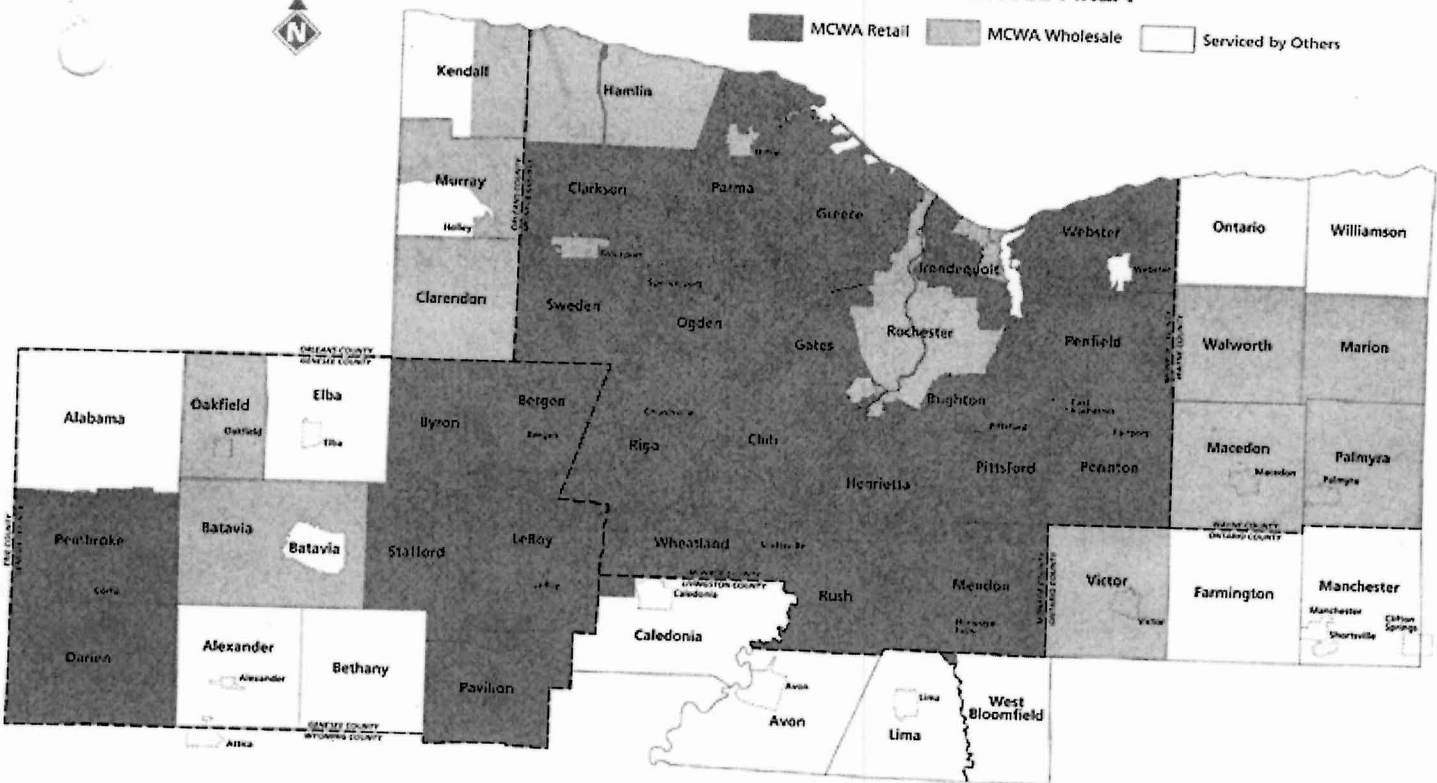




MONROE COUNTY WATER AUTHORITY SERVICE AREA



MCWA Retail
 MCWA Wholesale
 Serviced by Others





U.S. ENVIRONMENTAL PROTECTION AGENCY

Grant Agreement

ASSISTANCE ID NO.

PRG	DOC ID	AMEND#
XP -	98226401	- 0

DATE OF AWARD

SEP 13 2000

TYPE OF ACTION

New

MAILING DATE

SEP 20 2000

PAYMENT METHOD:

Reimbursement

ACH#

RECIPIENT TYPE:

Municipal

Send Payment Request to:

Grants & Contracts Management Branch

RECIPIENT:

Monroe County Water Authority
P.O. Box 10999-475 Norris Drive
Rochester, NY 14610-0999
EIN: 16-6002860

Monroe County Water Authority
P.O. Box 10999-475 Norris Drive
Rochester, NY 14610-0999

PROJECT MANAGER

Mr. Richard J. Metzger
P.O. Box 10999-475 Norris Drive
Rochester, NY 14610-0999
E-Mail:
Phone: 716-442-2000

EPA PROJECT OFFICER

John Mello
290 Broadway
New York, NY 10007-1866
E-Mail: mello.john@epamail.epa.gov
Phone: 212-637-3836

EPA GRANT SPECIALIST

Yvette MarCardona
Grants & Contracts Management Branch
E-Mail: marcardona.yvette@epamail.epa.gov
Phone: 212-637-3409

PROJECT TITLE AND DESCRIPTION

MONROE COUNTY - LAKE WATER SUPPLY PROJECT

A Grant Agreement to assist the Authority in constructing two projects: the Lake Water Intake and Transmission Systems. The Lake Water Intake System will be sized to initially withdraw up to 100 million gallons per day (MGD) of water from Lake Ontario. Critical system components are sized for an ultimate capacity of up to 150 mgd. System subcomponents consist of the intake tunnel, riser well, and lake water pumping station. The Lake Water Transmission Systems will provide for the interconnecting (various size pipelines) of the lake water intake, the proposed water treatment plant and the proposed chilled water system.

BUDGET PERIOD

10/01/2000 - 05/31/2003

PROJECT PERIOD

10/01/2000 - 05/31/2003

TOTAL BUDGET PERIOD COST

\$6,425,400.00

TOTAL PROJECT PERIOD COST

\$6,425,400.00

NOTE: The Agreement must be completed in duplicate and the Original returned to the appropriate Grants Management Office listed below, within 3 calendar weeks after receipt or within any extension of time as may be granted by EPA. Receipt of a written refusal or failure to return the properly executed document within the prescribed time, may result in the withdrawal of the offer by the Agency. Any change to the Agreement by the Recipient subsequent to the document being signed by the EPA Award Official, which the Award Official determines to materially alter the Agreement, shall void the Agreement.

OFFER AND ACCEPTANCE

The United States, acting by and through the U.S. Environmental Protection Agency (EPA), hereby offers Assistance/Amendment to the Monroe County Water Authority for 55.00 % of all approved costs incurred up to and not exceeding \$1,425,400 for the support of approved budget period effort described in application (including all application modifications) cited in the Project Title and Description above, signed 06/28/2000 included herein by reference.

ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)

ORGANIZATION / ADDRESS

Grants and Contracts Management Branch
290 Broadway, 27th Floor
New York, NY 10007-1866

AWARD APPROVAL OFFICE

ORGANIZATION / ADDRESS

U.S. EPA, Region 2
290 Broadway
New York, NY 10007-1866

THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY

SIGNATURE OF AWARD OFFICIAL

TYPED NAME AND TITLE

Jeanne M. Fox, Regional Administrator

DATE

9/13/00

This agreement is subject to applicable U.S. Environmental Protection Agency statutory provisions and assistance regulations. In accepting this award or amendment and any payments made pursuant thereto, (1) the undersigned represents that he is duly authorized to act on behalf of the recipient organization, and (2) the recipient agrees (a) that the award is subject to the applicable provisions of 40 CFR Chapter 1, Subchapter B and of the provisions of this agreement (and all attachments), and (b) that acceptance of any payments constitutes an agreement by the payee that the amounts, if any found by EPA to have been overpaid will be refunded or credited in full to EPA.

BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION

SIGNATURE

TYPED NAME AND TITLE

Mr. John A. Stanwix, Executive Director

DATE

9/25/00

Acceptance copy to FIN 10-3-00

C

C

C

XP - 98226401 - 0 Page 2

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
PA Amount This Action	\$	\$ 1,425,400	\$ 1,425,400
PA In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$	\$ 0
State Contribution	\$	\$ 5,000,000	\$ 5,000,000
Local Contribution	\$	\$	\$ 0
Other Contribution	\$	\$	\$ 0
Allowable Project Cost	\$ 0	\$ 6,425,400	\$ 6,425,400

Instance Program (CFDA)	Statutory Authority	Regulatory Authority
06 - Surveys - Studies - Investigations - Spec	Appropriations Act of 2000 (P.L. 106-74)	40 CFR PART 31

Fiscal									
Site Name	DCN	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
	H36032	00	E4	0220AXF	20101B	41.83	-	-	1,425,400
									1,425,400

Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$380,000
2. Fringe Benefits	\$178,600
3. Travel	\$10,000
4. Equipment	\$10,000
5. Supplies	\$5,000
6. Contractual	\$3,916,400
7. Construction	\$1,925,400
8. Other	\$0
9. Total Direct Charges	\$6,425,400
10. Indirect Costs: % Base	\$0
11. Total (Share: Recipient <u>45.00</u> % Federal <u>55.00</u> %.)	\$6,425,400
12. Total Approved Assistance Amount	\$1,425,400
13. Program Income	\$0

Detailed Table B Budget Page: 1

Table B - Program Element Classification (Non-construction)	Total Approved Allowable Budget Period Cost
1. * The recipient's share of total project costs reflects the	\$0
2. maximum allowed by guidance (reference	\$0
3. made to the March 14, 2000 guidance:	\$0
4. Award of Grants for Special Projects	\$0
5. Authorized by the Agency's FY 2000	\$0
6. Appropriations Act	\$0
7.	\$
8.	\$
9.	\$
10.	\$
11. Total (Share: Recip % Fed %)	\$
12. Total Approved Assistance Amount	\$0

Administrative Conditions

1. AGREEMENT ON ELIGIBLE COSTS

The grantee and the Environmental Protection Agency agree that only those items specified in the project description (scope) portion of the grant agreement are eligible for Federal participation. Further, it is agreed that any project costs incurred prior to midnight of the date preceding grant award shall be unallowable in their entirety.

2. PROJECT CHANGES

The Grantee must apply for and receive a formal grant amendment from the Regional Administrator before implementing any changes which alter the project performance standards, alter the type of wastewater treatment, delay or accelerate the project schedule, substantially alter the facilities plan, plans and specifications, or the location, size, capacity or quality of any major part of the project. No increase in the grant amount may be approved unless by formal amendment to the grant by EPA.

3. PROCUREMENT

The Grantee must adhere to the requirements of 40 CFR Part 31, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, as published in the Federal Register on March 11, 1988 (53 FR 8075 and 8087, Mar. 11, 1988).

4. WITHHOLDINGS

Payments under this grant may be withheld at any time during the project period for failure by the Grantee to comply with 40 CFR Part 31.

5. ANTI-LOBBYING

No portion of this award may be used for lobbying or propaganda purposes as prohibited by 18 U.S.C. Section 1913 or Section 607(a) of Public Law 96-74. In addition, the recipient shall comply with Section 1352 of P.L. 101-121 entitled "Limitation on Use of Appropriated Funds to Influence Certain Federal Contracting and Financial Transactions." The enclosed form "Certification Regarding Lobbying Activities" must be executed and returned. If appropriate, the enclosed "Disclosure of Activities Form" must be completed and returned. In addition, all contractors and subcontractors awarded contracts in excess of \$100,000 must complete and return the attached forms.

6. FLOOD INSURANCE

The Grantee shall acquire or have the construction contractor acquire, as appropriate, flood insurance made available under the National Flood Insurance Act of 1968, as amended. Insurance coverage shall begin with the period of construction and continue for the entire useful life of the facility. The insurance shall be in an amount at least equal to the eligible improvements or the maximum limit of coverage made available to the

Grantee under the National Flood Insurance Act, whichever is less. The Grantee must comply with this requirement prior to the release of the initial payment for construction work.

7. SINGLE AUDITS

A recipient who receives more than \$300,000 annually in Federal funds is required to have an independent audit performed in accordance with the Office of Management and Budget (OMB) Circular A-133. The cost of such an audit is an allowable charge to your Federal grant awards on a prorated basis. If you have already met this requirement, please submit 2 copies of the latest independent audit report to the EPA, Grants and Contracts Management Branch within 30 days of the date of this award. If the required report has not been performed, submit milestone dates for compliance with OMB Circular A-133 within 30 days of the date of this award to the EPA, Grants and Contracts Management Branch.

8. RECYCLED PAPER

Pursuant to EPA Order 1000.25, the recipient agrees to use recycled paper for all reports prepared under this agreement for submission to EPA. This requirement applies even when the cost of recycled paper is higher than that of virgin paper. However this requirement does not apply to reports prepared on forms supplied by EPA.

9. NO COST TIME EXTENSION

If a no cost time extension is necessary to extend the period of availability of funds (budget period), the recipient must submit a written request, including a justification as to why additional time is needed and an estimated date of completion to the EPA, Region II, Grants and Contracts and Management Branch prior to the budget/project period expiration date. An interim FSR must be submitted along with the request which covers all expenditures and obligations to date.

10. METHOD OF PAYMENT - (REIMBURSEMENT ONLY)

The recipient shall request Federal payments by completing Standard Form 270, "Request for Advance or Reimbursement" and submitting it to the EPA Grants and Contract Management Branch. As the recipient incurs expenditures under this agreement, the recipient may submit a request. Requests for reimbursement should be submitted on a quarterly basis. However, if the recipient incurs more than \$500 in costs in a given month, requests for reimbursement may be submitted to the EPA Grants and Contract Management Branch on a monthly basis. The requests will report cumulative expenditures both (Federal and Non-Federal) incurred under the grant. Such expenditures should be reported in whole dollar amounts. EPA will make payments for allowable expenditures at the ratio shown in the latest Agreement.

11. FINANCIAL STATUS REPORTS

The recipient shall submit to the EPA Grants and Contracts Management Branch a final

Financial Status Report within 90 days after the end of the Project/Budget Period.

FSR obligations and expenditures must be reported in whole dollar amounts.

12. EPA DISCLAIMER

The following disclaimer must accompany all work products disseminated since they were not developed by EPA and may not represent EPA priorities:

Although the information in this document has been funded wholly or in part by the United States Environmental Protection Agency under an assistance agreement, it may not necessarily reflect the views of the Agency and no official endorsement should be inferred.

13. RESTRICTION ON REIMBURSEMENT

In accordance with EPA Program Guidance in implementing the FFY 2000 Appropriations Act Grant Program, the project covered by this grant must comply with the environmental review requirements of the National Environmental Policy Act (NEPA). Environmental information documentation is a part of the approved project scope of work. The recipient shall not charge the costs of design or construction activities, to this agreement, until EPA's NEPA review process has been completed.

14. UTILIZATION OF SMALL, MINORITY AND WOMEN'S BUSINESS ENTERPRISES

In accordance with EPA's Program for Utilization of Small, Minority and Women's Business Enterprises in procurement under assistance programs, the recipient agrees to:

- a) Accept the applicable FY 2001 "fair share" goals negotiated with EPA by the State as follows:
 - o for the New York Upstate Region MBE: Construction is 6%; Equipment, Supplies and Services are 8.8%.
 - o for the New York Upstate Region WBE: Construction is 6%; Equipment, Supplies and Services are 8.8%.
 - o for the New York City Region MBE: Construction is 21.5%; Equipment, Supplies and Services are 18.8%.
 - o for the New York City Region WBE: Construction is 13.7%; Equipment, Supplies and Services are 20.5%.

If the recipient does not want to rely on the applicable State's MBE/WBE goals, the recipient agrees to submit proposed MBE/WBE goals based on availability of qualified minority and women-owned businesses to do work in the relevant market for construction, services, supplies and equipment. "Fair share" objectives must be

submitted to Otto Salamon, the Region II MBE/WBE Small Disadvantaged Business Utilization Officer (SDBUO), within 30 days of award and approved by EPA no later than 30 days thereafter.

- b) Ensure to the fullest extent possible that at least the FY 2001 "fair share" percentage negotiated with EPA by the State [see (a) above] of Federal funds for prime contracts or subcontracts for supplies, construction, equipment or services are made available to organizations owned or controlled by socially and economically disadvantaged individuals, women and historically black colleges and universities.
- c) Include in its bid documents "fair share" objectives of the FY 2001 fair share percentage negotiated with EPA by the State [see (a) above] and require all of its prime contractors to include in their bid documents for subcontracts the negotiated fair share percentages.
- d) Follow the six affirmative steps stated in 40 CFR 30.44(b), 40 CFR 31.36(e), 35.3145(d), or 35.6580, as appropriate.
- e) For assistance awards for continuing environmental programs and assistance awards with institutions of higher education, hospitals and other non-profit organizations, submit an EPA Form 5700-52A, "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements" to the Region II EPA SDBUO by October 30 of each year. Other program reports must be submitted to the Region II EPA SDBUO within 30 days of the end of the Federal fiscal quarter (January 30, April 30, July 30, and October 30).
- f) In the event race and/or gender neutral efforts prove to be inadequate to achieve a fair share objective for MBE/WBEs, the recipient agrees to notify EPA in advance of any race and/or gender conscious action it plans to take to more closely achieve the fair share objective.
- g) The recipient agrees to apply the applicable State's FY 2001 "fair share" goals or its own negotiated FY 2001 "fair share" goals to any procurement initiated after the FY 2001 "fair share" objectives become effective. The recipient also agrees to include in its bid documents the applicable FY 2001 "fair share" objectives and require all of its prime contractors to include in their bid documents for subcontracts the applicable FY 2001 "fair share" percentages and to comply with paragraphs (c) through (e) above.

15. **UTILIZATION OF SMALL BUSINESS IN RURAL AREAS (SBRAs)**

In accordance with Section 129 of Public Law 100-590 (i.e., Small Business Act amendments) the recipient agrees and is required to utilize the following affirmative steps if a contract is awarded under this assistance agreement;

- a. placing SBRAs on solicitation lists;

- b. making sure that SBRAs are solicited whenever they are potential sources;
- c. dividing total requirements, when economically feasible, into small tasks or quantities to permit maximum participation by SBRAs;
- d. establishing delivery schedules, where the requirements of work will permit, which would encourage participation by SBRAs;
- e. using the services of the Small Business Administration and the Minority Business Development Agency of the U.S. Department of Commerce, as appropriate; and
- f. requiring the contractor to take the affirmative steps in subparagraphs a. through e. of this part if subcontracts are awarded.

16. **YEAR 2000 COMPLIANCE**

Your assistance agreement may produce electronic date-sensitive data or systems that use such data. Any information technology purchased, produced, submitted or exchanged under this agreement must be capable of processing date data according to EPA's Data Standard for representation of calendar dates (EPA Directive 2100, IRM Policy Manual, Chapter 5, Data Standards). This information is located on the EPA website (<http://www.epa.gov/irmpoli8/polman/chaptr05.txt.html#calendar>). Information technology acquired under this agreement should be consistent with the technical Year 2000 requirements as described in the Federal Acquisition Regulation 39.002. This information is located on the official GSA website (<http://www.arnet.gov/far/97-05/html/39.html>).

APPLICATION FOR FEDERAL ASSISTANCE

Version 7/03

1. TYPE OF SUBMISSION: Application <input type="checkbox"/> Pre-application <input checked="" type="checkbox"/> Construction <input type="checkbox"/> Construction <input checked="" type="checkbox"/> Non-Construction <input type="checkbox"/> Non-Construction		2. DATE SUBMITTED 06/01/2005	Applicant Identifier 02-505
		3. DATE RECEIVED BY STATE	State Application Identifier
		4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION																						
Legal Name: Monroe County Water Authority	Organizational Unit: Department: Production and Transmission																					
Organizational DUNS: 04-129-0925	Division:																					
Address: Street: 4799 Dewey Avenue; P.O. Box 12697	Name and telephone number of person to be contacted on matters involving this application (give area code) Prefix: Mr. First Name: Richard																					
City: Rochester	Middle Name J.																					
County: Monroe	Last Name Metzger																					
State: NY Zip Code 14612-0697	Suffix: P.E.																					
Country: USA	Email: richard.metzger@MCWA.com																					
6. EMPLOYER IDENTIFICATION NUMBER (EIN):	Phone Number (give area code) 585 442 2000 Fax Number (give area code) 585 442 0220																					
8. TYPE OF APPLICATION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es) (See back of form for description of letters.)	7. TYPE OF APPLICANT: (See back of form for Application Types) Other (specify) Public Benefit Corporation																					
Other (specify)	9. NAME OF FEDERAL AGENCY: USEPA - John Mello																					
CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: TITLE (Name of Program): Special Purpose	11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: Monroe County Water Authority East Side Water Project																					
12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.): Monroe County, Genesee County, Ontario County																						
13. PROPOSED PROJECT Start Date: 01/2006 Ending Date: 01/2008	14. CONGRESSIONAL DISTRICTS OF: a. Applicant 28 b. Project 25, 26, 28, 29																					
15. ESTIMATED FUNDING: <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td>a. Federal</td> <td>\$</td> <td>3,849,000 .00</td> </tr> <tr> <td>b. Applicant</td> <td>\$</td> <td>3,149,182 .00</td> </tr> <tr> <td>c. State</td> <td>\$</td> <td>0 .00</td> </tr> <tr> <td>d. Local</td> <td>\$</td> <td>0 .00</td> </tr> <tr> <td>e. Other</td> <td>\$</td> <td>0 .00</td> </tr> <tr> <td>f. Program Income</td> <td>\$</td> <td>0 .00</td> </tr> <tr> <td>g. TOTAL</td> <td>\$</td> <td>6,998,182 .00</td> </tr> </table>	a. Federal	\$	3,849,000 .00	b. Applicant	\$	3,149,182 .00	c. State	\$	0 .00	d. Local	\$	0 .00	e. Other	\$	0 .00	f. Program Income	\$	0 .00	g. TOTAL	\$	6,998,182 .00	16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS? a. Yes. <input checked="" type="checkbox"/> THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON DATE: 06/11/2005 b. No. <input type="checkbox"/> PROGRAM IS NOT COVERED BY E. O. 12372 <input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW
a. Federal	\$	3,849,000 .00																				
b. Applicant	\$	3,149,182 .00																				
c. State	\$	0 .00																				
d. Local	\$	0 .00																				
e. Other	\$	0 .00																				
f. Program Income	\$	0 .00																				
g. TOTAL	\$	6,998,182 .00																				
17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? <input type="checkbox"/> Yes If "Yes" attach an explanation. <input checked="" type="checkbox"/> No																						
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.																						
a. Authorized Representative Prefix Mr. First Name Richard Middle Name J. Last Name Metzger Suffix P.E.																						
b. Title Director of Production and Transmission c. Telephone Number (give area code) 585442 2000																						
d. Signature of Authorized Representative e. Date Signed 6/14/05																						



KEY CONTACTS FORM

Authorized Representative: *Original awards and amendments will be sent to this individual for review and acceptance, unless otherwise indicated.*

Name: Richard J. Metzger, P.E.
Title: Director of Production and Transmission
Complete Address: Monroe County Water Authority
4799 Dewey Avenue; P.O. Box 12697; Rochester, NY 14612-0697
Phone Number: 585 442 2000 Ext. 501
Fax Number: 585 442 0220
E-Mail Address: richard.metzger@MCWA.com

Payee: *Individual authorized to accept payments.*

Name: SAME AS ABOVE
Title:
Mail Address:
Phone Number:
Fax Number:
E-Mail Address:

Administrative Contact: *Individual from Sponsored Program Office to contact concerning administrative matters (i.e., indirect cost rate computation, rebudgeting requests etc.)*

Name: SAME AS ABOVE
Title:
Mailing Address:
Phone Number:
FAX Number:
E-Mail Address:

Principal Investigator: *Individual responsible for the technical completion of the proposed work.*

Name: Phillip J. Clark, P.E. / Roger J. Vanderbrook, P.E.
Title: Principal / Principal Project Manager
Mailing Address: Clark Patterson Associates
186 North Water Street; Rochester, NY 14604
Phone Number: 585 454 7600
FAX Number: 585 232 5836
E-Mail Address: pclark@clarkpatterson.com / rvanderbrook@clarkpatterson.com

Part II

Work Plan Narrative

Narrative Statement and Workplan

Project Title: Eastside Water Supply Project

Applicant: Monroe County Water Authority

1. Objective

This document provides a project description for the Monroe County Water Authority's Eastside Water Supply Project.

The Monroe County Water Authority (MCWA) proposes to acquire easements and other required property rights; design, construct, and operate the following water supply system components collectively referred to as the Eastside Water Supply Project.

- Lake water intake system
- Water treatment system
- Water transmission system

1.2 Project Purpose

The purpose of the proposed project is to:

- A. Provide a new source of drinking water supply to increase the capacity and reliability of the Authority's existing Shoremont Water Treatment Plant. The new water supply facilities outlined in the DEIS were to be developed to an ultimate capacity of up to 100 million gallons per day. The initial capacity will be 50 million gallons per day.
- B. Provide additional transmission capacity on the east side of Monroe County.
- C. Reduce overall vulnerability of the MCWA supply by providing a secondary water supply. If the Shoremont Plant were to be compromised, the MCWA would not be able to adequately service the current population.
- D. Achieve energy savings of about one megawatt. This energy savings is realized by decreasing the distance water needs to be pumped to service eastern Monroe County users.

2. Project Benefits

The MCWA is in need of additional water supply in response to growth and to improve reliability of the system. The Authority currently has a single production source, the Shoremont Water Treatment Plant (SWTP), located in the western portion of the service area and limited ability to water from the City of Rochester upland supply. Development of the Eastside Water Supply project will provide an additional production source on the eastern portion of the service area, significantly improving the reliability of production and transmission.

Current peak demand is approaching the capacity of the Authority's production capabilities (including transmission and storage facilities, and allocations from the City of Rochester's upland supply). The existing production facilities cannot be further expanded. Annually, an average of 1,000 new homes are added to the Authority system as a result of slow, steady home construction, expansion and creation of water districts, and conversions from wells to the public water supply system.

The Authority updates demand growth patterns on an annual basis. The basis of future projections is accomplished primarily via the use of statistical analysis of the historical trend within each component of the Authority's total demands. The demand projections, broken down into: domestic (primarily residential plus small commercial), industrial, water districts, net exchange with the City of Rochester, and unaccounted for water, are subsequently applied to the hydraulic evaluation of the present Authority transmission system. The findings of these and previous planning efforts provide the basis for growth-related projects in the Authority's capital program including the proposed project

A second production facility increases the reliability of the water supply system in the eastern portion of the authority's service area. The existing SWTP is located on the Westside of the Genesee River, requiring the need for three primary transmission mains to convey water across the river to service the eastern portion of the County. The potential failure of one or more of these transmission mains would seriously impede the system's ability to move water to the eastside of the County.

By providing a new east side water supply system, the overall Authority system becomes substantially stronger. The project will provide needed redundancy in water supply in the event that the SWTP is incapacitated. In addition, the Eastside Water Supply project will allow additional sales of water into the region as necessary. The Authority could also supply Lake Ontario water, of which there is a large high quality supply, to areas of stress in the Finger Lakes region if requested. The recommendation that the Authority maintain its role as the major supplier to the area was a conclusion incorporated into the Genesee Sub-state strategy published in 1985 by the NYSDEC in response to the Water Resources Management Strategy Act of 1984 (New York State Water Resources Planning Council, 1987).

To convey water from the SWTP under peak demands, the Authority must pump the water three additional times. Up to one megawatt of electrical power will be conserved annually if the water is produced on the east side of the county, closer to its point of consumption.

3. Approach

The funds requested as part of this application will be applied towards the estimated total aggregate of the professional services and construction as follows:

Professional Services

- Design, permitting, and program management \$ 5,200,000
**Anticipated fees shown are from 10/01/04 to completion.
- Construction Administration and Observation 7,500,000
- Total Professional Services** **\$12,700,000**

Construction

- Utilities (water, sewer, gas, electric, telecommunications) for pump station and water treatment plant \$ 3,600,000
- Raw water intake tunnel 25,200,000
- Lake water pump station 14,400,000
- Webster water treatment plant 55,300,000
- Raw water transmission main 15,600,000
- Finished water transmission main 32,400,000
- Total Project Cost** **\$146,500,000**

4. Non-Federal Funding

The non-Federal sources of funds that are planned to be used on this project include:
Monroe County Water Authority – Water rate revenues

5. Program Schedule

The project schedule is as follows:

Final Design	2003-2006
Bid and Award Contracts	2006-2007
Construction	2006-2010

6. Program Participants

MCWA is a public benefit corporation established in accordance with the New York State Public Authorities Law. It has been specifically established to plan, construct, operate, and manage water facilities within its designated service area. The considerable resources of MCWA will be augmented by subcontractors as necessary to provide assistance in the areas of environmental compliance, engineering, construction, start-up, and operation of the project components. The workplan will be carried out by MCWA with contracted professional services and publicly bid construction contracts.

Part III

1. Itemized Budget (Section A)

BUDGET INFORMATION - Non-Construction Programs

SECTION A - BUDGET SUMMARY						
Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. Special Purpose	66.606	\$ 3,849,000	\$ 3,149,182	\$	\$	\$ 0.00
2.						0.00
3.						0.00
4.						0.00
5. Totals		\$ 3,849,000.00	\$ 3,149,182.00	\$ 0.00	\$ 0.00	\$ 0.00
SECTION B - BUDGET CATEGORIES						
6. Object Class Categories		GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
		(1) 66.606	(2)	(3)	(4)	
a. Personnel						0.00
b. Fringe Benefits						0.00
c. Travel						0.00
d. Equipment						0.00
e. Supplies						0.00
f. Contractual	app.	4,300,000				0.00
g. Construction	app.	2,698,182				0.00
h. Other						0.00
i. Total Direct Charges (sum of 6a-6h)		0.00	0.00	0.00	0.00	0.00
j. Indirect Charges						0.00
k. TOTALS (sum of 6i and 6j)		\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
7. Program Income		\$ 6,998,182	\$	\$	\$	\$ 0.00

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Prescribed by OMB Circular A-102

Previous Edition Usable

SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8. Monroe County Water Authority-Water Rate Renewal	\$ 3,149,182			\$ 0.00
9.				\$ 0.00
10.				\$ 0.00
11.				\$ 0.00
12. Total (SUM OF LINES 8-11)	3,149,182			\$ 0.00

SECTION D - FORECASTED CASH NEEDS

3. Federal	Total for 1 st Year	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
	\$ 1,557,000	\$ 715,000	\$ 375,000	\$ 192,000	\$ 275,000
4. Non-Federal	1,243,000	585,000	275,000	158,000	225,000
5. TOTAL (sum of lines 13 and 14)	\$ 2,800,000	\$ 1,300,000	\$ 650,000	\$ 350,000	\$ 500,000

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
6. 666.606 - Special Purpose	\$ 2,292,000	\$	\$	\$
7.				
8.				
9.				
10. TOTAL (sum of lines 16-19)	\$ 2,292,000	\$	\$	\$

SECTION F - OTHER BUDGET INFORMATION

11. Direct Charges:	22. Indirect Charges:
13. Remarks:	

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Budget Detail and Narrative

Please see section 3 of the Work Plan Narrative.



Washington, DC 20460
Preaward Compliance Review Report for
All Applicants Requesting Federal Financial Assistance

FORM Approved
OMB No. 2030-0020
Expires 12-31-05

Note: Read instructions before completing form.

I. A. Applicant (Name, City, State) Monroe County Water Authority		B. Recipient (Name, City, State) Monroe County Water Authority Rochester, New York	C. EPA Project No.
II. Brief description of proposed project, program or activity. East Side Water Supply Project			
III. Are any civil rights lawsuits or complaints pending against applicant and/or recipient? If yes, list those complaints and the disposition of each complaint.			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
IV. Have any civil rights compliance reviews of the applicant and/or recipient been conducted by any Federal agency during the two years prior to this application for activities which would receive EPA assistance? If yes, list those compliance reviews and status of each review.			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
V. Is any other Federal financial assistance being applied for or is any other Federal financial assistance being applied to any portion of this project, program or activity? If yes, list the other Federal Agency(s), describe the associated work and the dollar amount of assistance.			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
VI. If entire community under the applicant's jurisdiction is not served under the existing facilities/services, or will not be served under the proposed plan, give reasons why. Entire community will benefit			
VII. Population Characteristics		Number of People	
1. A. Population of Entire Service Area		817,442	
B. Minority Population of Entire Service Area		157,506	
2. A. Population Currently Being Served		650,000	
B. Minority Population Currently Being Served		125,450	
3. A. Population to be Served by Project, Program or Activity		650,000	
B. Minority Population to be Served by Project, Program or Activity		125,450	
4. A. Population to Remain Without Service		167,442	
B. Minority Population to Remain Without Service		33,488	
VII. Will all new facilities or alterations to existing facilities financed by these funds be designed and constructed to be readily accessible to and usable by handicapped persons? If no, explain how a regulatory exception (40 CFR 7.70) applies.			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
IX. Give the schedule for future projects, programs or activities (or of future plans), by which services will be provided to all beneficiaries within applicant's jurisdiction. If there is no schedule, explain why. Entire community will benefit.			
X. I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.			
A. Signature of Authorized Official 	B. Title of Authorized Official Director of Production	C. Date 6/14/05	
For the U.S. Environmental Protection Agency			
<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	Authorized EPA Official	Date	

EPA Form 4700-4 (Rev. 1/90) Previous editions are obsolete.

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